

# Illinois Issues

# No secrets

ILLINOIS STATE LIBRARY

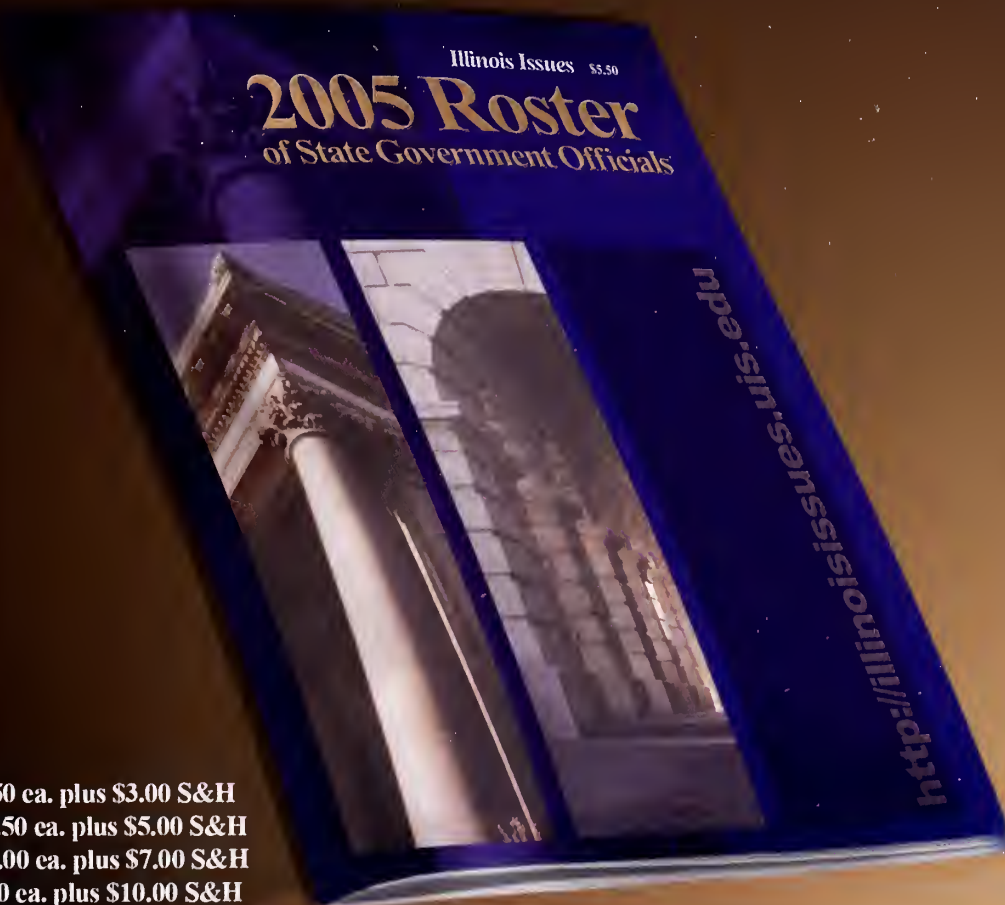
*Someone knows more about you  
than you know they know*



The Most Useful Illinois Directory Published!  
ORDER TODAY!

# *Illinois Issues* 2005 Roster of State Government Officials

This 8-1/2 x 11 slick magazine-style roster of state government officials fits neatly into your desk drawer or filing cabinet. Completely updated for 2005, it includes listings for the Governor and all other statewide constitutional officers, as well as major executive agencies and their directors. You'll find all Illinois legislators and their district addresses, phone numbers, fax numbers, e-mail addresses, and Web sites. Also includes the Illinois Supreme Court, the Illinois congressional delegation, media/reporters who cover state government. Plus, hundreds of key staff members who work with these officials.



**Price list:**

1-10 copies @ \$5.50 ea. plus \$3.00 S&H  
11-25 copies @ \$4.50 ea. plus \$5.00 S&H  
26-50 copies @ \$4.00 ea. plus \$7.00 S&H  
100 copies @ \$3.50 ea. plus \$10.00 S&H  
250+ copies @ \$2.50 ea. plus \$20.00 S&H

**To order call 217/206-6084**

*Peggy Bayer Long*



## Publishing thoughtful public affairs

journalism takes planning and financial resources

☒ **YES!** I want to subscribe to *Illinois Issues*  
for one full year. (11 issues in all) at the special introductory rate of just \$34.95.

**SPECIAL INTRODUCTORY OFFER!!**

**SAVE 28% OFF the cover price!**

My name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

☐ Payment enclosed Account# \_\_\_\_\_

☐ Bill me later Exp. date \_\_\_\_\_

☐ MasterCard Signature \_\_\_\_\_

☐ VISA For faster service, call **1-800-508-0266**.



B605

can enhance civic life.

Some of the answers turned out to be controversial. Elshtain, for instance, whose essay "Civic Virtues" appeared in our May issue, believes we need more religion in politics.

"The difference religiously derived morality makes," she wrote, "is that it

tension between politics and religion won't be resolved anytime soon.

Nor will the ethical and policy dilemmas over when life begins and ends. Nevertheless, Lori Andrews warned us in March, beyond the political heat generated by a handful of life and death issues, "the very

Trade-offs are at the heart of this month's issue. As Congress revisits the USA Patriot Act, we asked reporter Daniel C. Vock to assess how much privacy we are ceding to the fight against terrorism.

Then we asked writer James Krohe Jr. to consider ways in which the very



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



**BUSINESS REPLY MAIL**

FIRST CLASS MAIL PERMIT NO. 1901 SPRINGFIELD, IL

POSTAGE WILL BE PAID BY ADDRESSEE

*Illinois Issues*

UNIVERSITY OF ILLINOIS AT SPRINGFIELD

PO Box 19243

Springfield IL 62794-9980





Peggy Boyer Long



## Publishing thoughtful public affairs journalism takes planning and financial resources

by Peggy Boyer Long

**W**hy can't politicians behave like the work-for-tomorrow ant instead of the live-in-the-moment grasshopper?

*Illinois Issues* raised this question in January as we launched our year-long celebration of the magazine's 30th anniversary. In his thought-provoking response, political scientist Christopher Mooney explained why this state's elected officials have little incentive to plan ahead.

That was just one of the questions we challenged our writers to explore this year. We asked Lori Andrews, a legal scholar in bioethics, how policy-makers might frame the contentious debate over the beginning and end of life. We asked business journalist Maura Webber Sadovi what lies ahead for government and corporate leaders as the state and the nation go gray. And we asked political philosopher Jean Bethke Elshtain — our first Paul Simon Essayist — whether religion can enhance civic life.

Some of the answers turned out to be controversial. Elshtain, for instance, whose essay "Civic Virtues" appeared in our May issue, believes we need more religion in politics.

"The difference religiously derived morality makes," she wrote, "is that it

---

*"Privacy — of others, that is — is an irritating obstacle to self-fulfillment, self-expression, or at least self-indulgence. Our narcissistic culture has produced a generation of Bubble children who dwell, blithely unaware, in a portable Me-ville."*

James Krohe Jr.

is more likely to get us up and out of the house and into civic life than the alternative of no religious connection or a very thin one."

Still, this nation's fundamental tension between politics and religion won't be resolved anytime soon.

Nor will the ethical and policy dilemmas over when life begins and ends. Nevertheless, Lori Andrews warned us in March, beyond the political heat generated by a handful of life and death issues, "the very

boundaries of what is human are being changed by genetic technology. Yet hardly anyone in the public or the legislatures is paying attention."

Government and corporate planners are starting to pay attention, though, to an entire generation of workers as it marches toward 60.

There may be disagreement on the impact of this coming demographic change, Maura Webber Sadovi wrote in April, "but there is no question that some employers already are beginning to see a not-so-distant future in which a new kind of retirement will emerge, along with a need for new menu-like benefit packages and assistance in intergenerational communication."

Meanwhile, federal and state officials already are beginning to experience a fiscal crunch in the growth of entitlement programs for older Americans. Some trade-offs are likely, too, in that not-so-distant future.

Trade-offs are at the heart of this month's issue. As Congress revisits the USA Patriot Act, we asked reporter Daniel C. Vock to assess how much privacy we are ceding to the fight against terrorism.

Then we asked writer James Krohe Jr. to consider ways in which the very

## ADVISORY BOARD

### CHAIR

**Diana Nelson**, executive director, Cross City Campaign for Urban School Reform, Chicago.

### VICE CHAIR

**Taylor Pensoneau**, author and president of the board of directors, Illinois Center for the Book, Springfield.

### MEMBERS

**James M. Banover**, professor emeritus of public administration, Northern Illinois University, DeKalb.

**MarySue Barrett**, president, Metropolitan Planning Council, Chicago.

**Robert J. Christie**, vice president, government relations, Northwestern Memorial Hospital, Chicago.

**Darcy Davidsmeyer**, director, state government relations, Motorola Inc., Schamburg.

**Kathleen Dunn**, vice president, government relations, Illinois Hospital Association.

**Jim Edgar**, senior fellow, Institute of Government and Public Affairs, University of Illinois.

**Sharon Gist Gilliam**, executive vice president, Unison Maximus Consulting Solutions, Chicago.

**Lawrence N. Hansen**, vice president, Joyce Foundation, Chicago.

**Doris B. Holleb**, professorial lecturer, University of Chicago.

**Jetta Norris Jones**, attorney, Chicago.

**Robert J. Klaus**, president and CEO, Oral Health America, Chicago.

**Mike Lawrence**, director, Paul Simon Public Policy Institute, Southern Illinois University at Carbondale.

**Joan W. Levy**, education consultant, Northbrook.

**William E. Lowry**, vice president for Human Resources and Administration, John D. and Catherine T. MacArthur Foundation, Chicago.

**Roberta Lynch**, deputy director, American Federation of State, County and Municipal Employees, Chicago.

**Jeff Mays**, president, Illinois Business Roundtable, Chicago.

**Abner J. Mikva**, visiting professor of law, University of Chicago.

**Laurence J. Msall**, president, The Civic Federation, Chicago.

**Dawn Clark Netsch**, professor of law emeritus, Northwestern University School of Law, Chicago.

**Aurie Pennick**, attorney, Chicago.

**Betsy A. Plank**, principal, Betsy Plank Public Relations, Chicago.

**Sylvia Puente**, director, Metropolitan Chicago Initiative, Institute for Latino Studies, University of Notre Dame.

**Philip J. Rock**, attorney, Rock, Fusco & Associates, LLC, Chicago.

**Anna Eleanor Roosevelt**, director, community and education relations, Boeing Co., Chicago.

**Chuck Scholtz**, former mayor of Quincy.

**Douglas Scott**, former mayor of Rockford.

**Paula Wolff**, senior executive, Chicago Metropolitan 2020.

### EX-OFFICIO MEMBERS

**Barbara E. Ferrara**, interim executive director, Center for State Policy and Leadership, University of Illinois at Springfield.

**Jack H. Knott**, director, Institute of Government and Public Affairs, University of Illinois.

### FOUNDING MEMBER

**Samuel K. Gove**, professor emeritus of political science, University of Illinois.

### MEMBERS EMERITUS

(years served on board in parentheses)

**James L. Fletcher** (1983-2000), **David Kenney** (1978-90), **Louis H. Masotti** (1978-92), **James T. Otis** (1975-94), **David J. Paulus** (1988-94), **Carl Shier** (1978-87).

concept of privacy has changed in this high-tech era. Some of his conclusions might surprise you. For starters, he argues we have blurred the line between public and private. We aren't sacrificing private space so much as developing an obliviousness to public space. "Privacy — of others, that is — is an irritating obstacle to self-fulfillment, self-expression, or at least self-indulgence," he asserts. "Our narcissistic culture has produced a generation of Bubble children who dwell, blithely unaware, in a portable Me-ville."

For three decades, readers have turned to *Illinois Issues* for such insights. But publishing thoughtful public affairs journalism takes planning and financial resources. And this is where you can help.

As we prepare the remaining issues in this anniversary year, we ask you to prepare for the future, too, by making a contribution to the magazine's next 30 years.

Whatever changes lie ahead, Illinoisans will need more than mere news to make sense of it. And *Illinois Issues* is the only publication devoted exclusively to analyzing government and politics, as well as the social and cultural life of this complex state.

In fact, there are only a handful of magazines in the nation that report on their respective state governments.

We ask you to weigh the value of this and become a visionary, a leader, a patron or a friend. Make a financial commitment to *Illinois Issues* by filling out the return card in this issue.

Then join us for a special 30th anniversary luncheon at the Union League Club in Chicago on Friday, September 30. (Look for more details on that event later this summer.)

We plan to use the opportunity to continue the magazine's year-long exploration of some of the policy challenges Illinois could face in the coming decades. As part of that effort, former Gov. Jim Edgar, a member of our advisory board, will moderate a panel discussion on the state's future.

Can policymakers plan for the long-term?

Like Christopher Mooney, we believe they can. But an informed electorate will need to provide the incentive. "We get the government we ask for," Mooney concluded in our January issue. "If we want ants running state government, we need to stop electing grasshoppers." □

Peggy Boyer Long can be reached at [peggyboy@aol.com](mailto:peggyboy@aol.com).

## Rookie reporter raises fiscal concerns

Ten-year-old Adam Sykes of Decatur made this magazine proud to call him one of our own when this spring he asked Patti Blagojevich a "tough question."

For 35 years, Harristown Elementary School students have represented the Statehouse Press Corps and interviewed the governor's wife at the Executive Mansion. Teachers help them write and practice their questions, learn etiquette and protocol, and design their press badges, says Principal Glenda Weldy.

Assigned to represent *Illinois Issues* by his teachers — Mr. Deremiah, who started the program, and Mrs. Poole — Adam asked this question: "One of the most pressing issues facing Illinois is the state budget deficit. In what ways have you streamlined the budget at the mansion?"

He says he was pretty excited and doesn't recall all of the answer. But, "I remember she said she had to decrease staff at the mansion." In fact, staff has fallen from 16 to 10 since the Blagojeviches took office in 2002.

Bureau Chief Pat Guinane needn't worry about his job. Adam doesn't want to be a reporter. He wants to pitch for the St. Louis Cardinals.

*The Editors*

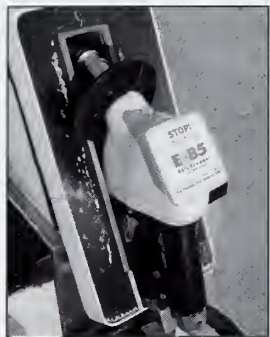


# Illinois Issues

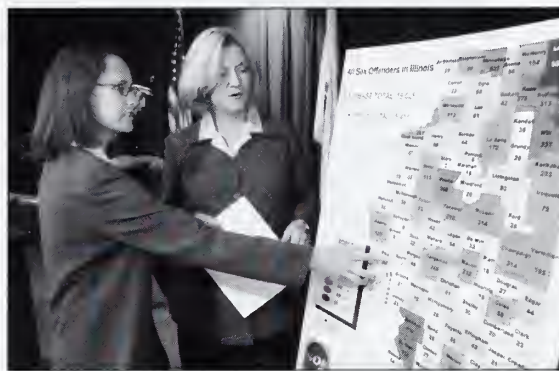
A publication of the University of Illinois at Springfield

June 2005

Volume XXXI, No. 6



Fuel for thought, page 28



Treated and released, page 23



What will we give up? page 14

## FEATURES

### 14 What will we give up? by Daniel C. Vock

*Federal lawmakers must weigh the competing interests of security and privacy as they reconsider provisions of the USA Patriot Act.*

### 20 **Essay** Look who's watching by James Krohe Jr.

*As we make more claims on the public realm on behalf of our private selves, our private selves have become more public.*

### 23 Treated and released by Pat Guinane

*Where should sex offenders go once they've done their time? Illinois officials argue that depends.*

### 25 Brave new medium by Ben Fischer

*Blogs are exploding in political circles. But while they can enhance public discourse, they operate outside the standards of mainstream media.*

### 28 Fuel for thought by Paige E. Wassel

*Lawmakers are trying to turn drivers into energy-efficient consumers. Can they accomplish what higher gas prices can't?*

### 31 **Guest essay** New deal to no deal by Dan A. Lewis

*The movement toward less government is shifting social responsibilities to the states.*

**Credits:** Our cover illustration was designed by Diana L.C. Nelson.

## DEPARTMENTS

### 3 EDITOR'S NOTEBOOK

*Journalism takes planning.*

by Peggy Boyer Long

### 6 STATE OF THE STATE

*Democrats followed an old recipe.*

by Pat Guinane

### 8 BRIEFLY

### 34 PEOPLE

### 37 ENDS AND MEANS

*Democrats declared a holiday.*

by Charles N. Wheeler III

## STAFF

**Director/Executive Editor, Center Publications**

Peggy Boyer Long

### MAGAZINE EDITORIAL

**Managing Editor:** Maureen Foertsch McKinney

**Projects Editor:** Beverley Scobell

**Statehouse Bureau Chief:** Pat Guinane

**Columnist:** Charles N. Wheeler III

**Graduate Assistant:** Rikeesha Cannon

**Public Affairs Reporting Intern:** Paige E. Wassel

**Editorial Assistant:** Debi Edmund

### BOOKS EDITORIAL

**Associate Editor:** Amy Karhliker

**Graduate Assistant:** Keith Taylor

### BUSINESS

**Circulation & Marketing Manager:** Charlene Lambert

**Business Manager:** Toni L. Langdon

### PRODUCTION

**Art Director:** Diana L.C. Nelson

*Illinois Issues* is published by Center Publications

**Center for State Policy and Leadership**

<http://cspl.uis.edu>

**Editorial and business office:** HRB 10, University of Illinois at Springfield, One University Plaza, Springfield, IL 62703-5407.

Telephone: 217-206-6084. Fax: 217-206-7257. E-mail: [illinoisissues@uis.edu](mailto:illinoisissues@uis.edu). E-mail editor: [boyer-long.peggy@uis.edu](mailto:boyer-long.peggy@uis.edu).

**Subscription questions:** *Illinois Issues*, Subscription Division, P.O. Box 2795, Springfield, IL 62708-2795 or call 1-800-508-0266.

Hours are 8:00 a.m. - 4:30 p.m. Central Time, Monday-Friday (except holidays). **Subscriptions:** \$39.95 one year/ \$72 two years/ \$105 three years; student rate is \$20 a year. Individual copy is \$3.95. Back issue is \$5. *Illinois Issues* is indexed in the PAIS Bulletin and is available electronically on our home page: <http://illinoisissues.uis.edu>. *Illinois Issues* (ISSN 0738-9663) is published monthly, except during the summer when July and August are combined. Periodical postage paid at Springfield, IL, and additional mailing offices.

**Postmaster:** Send address changes to *Illinois Issues*, Subscription Division, P.O. Box 19243, Springfield, IL 62794-9243.

©2005 by Illinois Issues, University of Illinois at Springfield, One University Plaza, Springfield, IL 62703-5407. All rights reserved. Reproduction in whole or in part without prior written permission is prohibited. *Illinois Issues* is published by the University of Illinois at Springfield. In addition to university support and subscription income, the magazine is supported by grants and donations. The contents of the magazine do not necessarily reflect the views of the university or the donors.

Patrick J. Guinane



## Democrats trade ideals for adjournment and swap budget votes for pork projects

by Pat Guinane

Access to health care trumped rights to legal remedy and political expediency bested fiscal responsibility as Democrats sacrificed political capital in pursuit of legislative adjournment this spring. They finished the session on time, but the question is how long their actions will hold up.

After nearly two years of debate, the Democratic leadership yielded to pressure for medical liability reforms. By abridging the legal rights of patients, proponents hope to lower malpractice insurance costs for doctors, which they argue will improve access to health care in underserved areas.

And, in another about face, Democrats shorted public employee pension funds by \$2.3 billion to balance the state budget. Earlier this year, Gov. Rod Blagojevich promised reforms that would shore up the pension systems. But, with bargaining time dwindling, he and fellow Democrats jettisoned most of the provisions in that reform plan, including one to create a lower tier of retirement benefits for newly hired state and university employees.

In his February budget address, Blagojevich said the cash-hungry public employee pension systems seriously constrict state finances. Without reform, he argued, the state will never be able to eliminate a persistent deficit, one that saps resources "from education, from

---

*After nearly two years of debate, the Democratic leadership yielded to pressure for medical liability reforms.*

health care, from law enforcement, from parks, and from everything else we care about."

Blagojevich went on, metaphorically, to explain how the pension problem had grown so severe. "Imagine you have a credit card," he said. "Every month, you keep using that card. At the same time, you're not always paying the balance you owe. In fact, sometimes, you even skip a payment or two.

"But you keep using that card to buy new things. So what happens? The principal goes up, the interest rate goes up and the monthly minimum goes up.

"Just paying the monthly minimum takes away the money you need to pay the rent, pay for groceries, for clothes, and for everything else.

"Now imagine doing this for 35 years.

"For the average family, that's a surefire recipe for personal bankruptcy. But, unfortunately, it's exactly what the

state of Illinois has been doing, year in and year out."

Yet, a few months later, he followed that recipe — and added heaping side dishes of pork. Of course, Blagojevich wasn't the only cook stirring the budget stew. Democratic Senate President Emil Jones and House Speaker Michael Madigan joined in.

This signaled a shift for Madigan, too, who had sided with Republicans during last year's marathon battle to hold the budget in check. As late as early May of this year, Madigan told the Illinois Retail Merchants Association that the "coalition of the willing" was still in place and he would continue to side with Republicans in opposing borrowing and spending, living beyond the state's means and balloon financing.

"For those of you that became very familiar with the first budget put together by the Blagojevich Administration, you know that there was a great deal of balloon financing, millions and millions of dollars in debt with no scheduled repayment until after the next general election," Madigan said.

Nevertheless, the budget Madigan, Jones and Blagojevich settled on this year pushes \$2.3 billion in pension payments past the November 2006 general election, a contest in which Blagojevich, two-thirds of the Senate and the entire House will be up for re-election. It also seeks to avoid painful



negotiations next spring by deferring another \$1.1 billion in pension payments in the fiscal year 2007 budget.

Meanwhile, the fiscal year 2006 budget, which begins July 1, hinges on deferring \$1.2 billion in pension payments to close a comparable gap between revenue and spending. This means the state is putting off more than half of its annual obligation to fund pensions for suburban and downstate teachers, state and university employees, judges and lawmakers. Retirees will still get checks, but the deferral exacerbates shortfalls that have forced some pension funds to sell stocks and other assets to meet yearly payouts.

The pension raid, as Republicans dubbed it, proved more palatable than wide-ranging pension reforms, which would have forced Democrats to stand up to public employee unions that represent state and university workers and teachers across Illinois. Lawmakers did cap educators' end-of-career raises at 6 percent a year, but exempted existing contracts. Blagojevich had originally advocated a 3 percent cap. Teachers also got to hang on to an early retirement option, but must increase their salary contributions from 9 percent to 9.4 percent to finance the perk. Current state workers were not subjected to any reforms, while university employees could see lower annual interest adjustments to their pensions and new hires won't be eligible for the more lucrative money purchase option for calculating retirement benefits.

Blagojevich's budget office says the scaled-back reforms could still save \$30 billion by 2045. He originally proposed \$55 billion in sweeping changes that would have dropped new state and university hires into a lower tier of benefits, which included reduced annual interest adjustments, a higher retirement age and longer minimum tenure requirements for collecting benefits.

"When we set out in the beginning of this session to reform the pension systems, we were very ambitious," Blagojevich said. "But because the Republicans have chosen, again, to play partisan politics and have refused to join us in constructive consensus, we weren't able to get all the pension reforms that we asked for. And this is part of a

---

***And, in another about face,  
Democrats shorted public  
employee pension funds  
by \$2.3 billion to balance  
the state budget.***

democratic process, so you get what you can get when you can."

Rank-and-file Democrats seemed to take that logic to heart. They approved a \$10.8 billion capital construction program — \$1.4 billion larger than the governor's original request. Just over \$1 billion of that is for old projects that were not included in Blagojevich's proposal. That saves plenty of room for "member initiative" projects that were agreed to under former Gov. George Ryan but never funded. Blagojevich essentially hijacked political capital accumulated by his Republican predecessor, using old projects to influence fellow Democrats.

Most of the projects aren't explicitly detailed in the new budget. But one section of the legislation outlines nearly \$1.9 billion in lump sums that range from \$18 million for school improvements to \$375 million for local government grants. The bill also stipulates that none of that money is to be spent without written permission from the governor.

Republicans did their best to point out the potential pork, but it was the House Black Caucus that drew the most attention, pulling nine votes off the pension bill in a May 31 negotiating maneuver.

"We're tired of being screwed," Rep. Monique Davis, a Chicago Democrat, said as she and other black representatives filed into the speaker's office for some last-minute haggling. "We're Democrats, too. We're black ones, but we're Democrats."

A few hours later, the Black Caucus helped approve the pension legislation and ensuing budget bills. But the caucus would not go along with another late-

session compromise by Democrats: caps. Jones and Madigan voted against medical malpractice reforms that include limits on jury awards for noneconomic damages such as pain and suffering.

But as presiding officers in their respective chambers, they could have prevented caps from getting a vote. Instead, the General Assembly sent Blagojevich a measure that would cap noneconomic liabilities at \$500,000 for physicians and \$1 million for hospitals.

Several Democrats, including most African-American lawmakers, voted against the limits, arguing they discriminate against the poorest plaintiffs because those who are employed likely would receive greater compensation for lost wages. They also argue caps hurt the most badly injured, perhaps allowing someone the same compensation whether he or she loses one toe or an entire leg. And someone run over by a bus, for instance, could recoup greater damages than a person severely injured by a doctor.

For the past two years, the state's top Democrats, especially Madigan, resisted caps, arguing they limit the injured poor's access to legal remedy because attorneys may not be interested in taking on cases when their compensation is capped along with the jury award.

Blagojevich has said he'll sign the medical malpractice legislation, which also includes some insurance reforms and makes it easier for patients to check a doctor's malpractice history. Still, the provision establishing caps is based on logic the Illinois Supreme Court has twice rejected, most recently in 1997 when it ruled that caps on noneconomic damages in all lawsuits usurped judicial authority and amounted to unconstitutional special legislation.

On medical malpractice, Democrats have left the heavy lifting to the courts. And their budget shifts financial strain to the post-election future. The question is what cost the party will pay for abandoning its defense of plaintiffs' rights and fiscal responsibility.

Perhaps Democratic voters will decide their loyalty is as fleeting as their party's principles. □

Pat Guinane can be reached at [capitolbureau@aol.com](mailto:capitolbureau@aol.com).

# BRIEFLY

## Legislative checklist

*The General Assembly adjourned on time this spring, putting the final touches on a \$54.4 billion budget during the final hours of May 31. Democrats and Republicans cooperated on medical malpractice reforms but bipartisan budget talks disintegrated. Democrats used their majorities in both chambers to craft a budget on their own. Here's a final legislative scorecard.*

### **Guns**

Gov. Rod Blagojevich lobbied for and plans to sign legislation requiring background checks on buyers at gun shows. He promised to veto a similar measure that also would destroy state records of firearm purchases after 90 days.

A state ban on semiautomatic assault weapons could not muster enough votes in the House. Some lawmakers argued it might restrict hunting shotguns.

### **Education**

High school students will be required to take an extra year of English, math and science by 2012 under stricter graduation standards backed by Gov. Blagojevich. The measure also mandates two writing-intensive courses.

An Illinois State Board of Education survey found that 83 percent of 443 responding school districts don't meet all the proposed requirements. Most aren't requiring the three years of math the governor wants. Critics questioned whether the state will come up with the \$50 million needed to implement the new standards.

### **Contracts**

Businesses using minority and female figureheads to win government contracts would face felony charges and could pay one-and-a-half times the contract.

### **Smoking**

Municipalities can ban smoking in bars, restaurants and other public places if

the governor signs the measure. Currently, fewer than two dozen communities can enact smoking rules stricter than state law.

### **Elections**

Democrats sent the governor a proposal they say will make voting easier. Republicans argue it will encourage fraud.

Most controversial is a provision allowing lawmakers to hand out registration forms at their offices, which the GOP says will lead to campaign work on government time. Colleges also will be required to provide students with registration information. The measure authorizes early voting beginning three weeks prior to Election Day but ending five days before the regular polls open. For a fee of \$600, statewide candidates, including those for president, U.S. senator, governor and state treasurer, could appear in an official state voter's guide.

### **Payday loans**

A plan to regulate high-interest short-term payday loans won support from both chambers. Borrowers would be restricted to two loans at a time, with those loans limited to \$1,000 or 25 percent of monthly income. Consumers must repay the loans in 45 days and lender fees cannot exceed 15.5 percent.

### **Worker's compensation**

Reforms to state worker's compensation laws were approved by both chambers, which supporters say represent the first widespread changes to the system in two decades. The changes increase benefits for injured workers, create a fraud investigation unit and expand the commission that hears worker claims. The plan also specifies how much doctors can charge for treating certain on-the-job injuries.

### **Housing**

Lawmakers sent the governor plans for a \$30 million low-income rent subsidy to be financed by a \$10 fee on real estate filings. A family of four making less than \$19,000 would qualify for the assistance,

which supporters say will help 5,500 low-income renters.

### **Video games**

Retailers would be fined for selling or renting violent or sexually explicit video games to minors through legislation championed by Gov. Blagojevich. Critics point to court decisions that have struck down similar bans for violating First Amendment protections.

### **Bioethics**

The deceased and not the next of kin gets the final say in organ donation if the governor goes along with Secretary of State Jesse White's effort to establish a first-person donor registry. Currently, families can override a donor's wishes.

Neither chamber considered state funding for stem cell research, holding back on a \$1 billion bond plan that would have been financed by a tax on facelifts and other elective cosmetic surgeries.

### **Nursing**

Lawmakers sent the governor two measures intended to ease the state's nursing shortage. One would eliminate a pretest requirement for foreign-born nurses, who would still have to pass the national licensing exam. Another would ban mandatory overtime for nurses, except in emergencies, requiring an eight-hour break after a 12-hour shift.

### **Meth**

Methamphetamine abusers jailed in far southern Franklin County would receive medical and psychiatric treatment under a pilot program sent to the governor. The plan carries an estimated \$1.6 million price tag.

Both chambers moved to ease meth prosecutions by grouping all of the state's meth-related laws into one section of the criminal code.

Lawmakers also agreed on a measure to teach judges how to operate drug courts but balked at creating a statewide drug court system, which would cost about \$10 million.

**For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>**



## **Human rights**

Lawmakers approved a ban on investing state dollars in companies doing business with Sudan until the African country puts an end to ethnic cleansing in the Darfur region.

Individuals forcing immigrants and other victims into servitude and the sex trade could face up to 30 years in prison or other felony charges under a measure signed by the governor.

## **Phones**

After much debate over rewriting state law, both chambers decided instead to extend existing telecommunications regulations until 2007. SBC, the state's largest telephone company, wanted lawmakers to cede control to the federal government, arguing that would put them on par with cell phone and high-speed Internet providers.

## **Gambling**

Gambling proposals generated much talk but little action as opponents blocked proposals to create new riverboat licenses, add slots and table games at existing casinos and horse tracks, and begin selling lottery tickets online.

Legislators did lower riverboat tax rates but stipulated that each casino must pay at least as much in total revenue as under the current tax structure. The admission tax was lowered from \$5 to \$3 for most boats and the overall tax dropped from 70 percent to 50 percent on revenues greater than \$250 million. Proponents say a surge in betting should make up the difference.

The House also twice halted efforts to separate the Illinois Gaming Board from the Department of Revenue.

## **Ethics**

Gov. Blagojevich's effort to "rock the system" of Illinois campaign finance fell on deaf ears. He wants to ban corporate and union giving while limiting individual contributions to \$2,000 per candidate. Critics, particularly Republicans, scoffed at changing the rules when Blagojevich has a \$10 million political war chest.

*Paige E. Wassel*

## **Pension funds used to fill state budget gap**

Democrats put aside their differences and pushed off \$2.3 billion in public pension obligations to send the governor a \$54.4 billion state budget for the fiscal year that begins July 1.

Shorting the pension funds closed a \$1.2 billion revenue gap this year and provides a \$1.1 billion cushion for next year. The tactic also enabled Democrats to avert the drawn-out overtime session lawmakers suffered through last summer.

Republicans called the move a "scam," a "raid," even a "rape" of the systems for retired suburban and downstate teachers, state and university employees, judges and lawmakers. "How can anyone with a conscience at all vote for a budget that does this?" asked Rep. Jim Sacia, a Pecatonica Republican. "This is an abomination. This is an insult to anyone with intelligence above plant life."

After decades of underfunding, the pension systems already were \$35 billion in the red. Republicans argue shorting them by another \$2.3 billion now could create a \$30 billion liability over the next 40 years. Democrats labeled the move a debt restructuring.

Blagojevich had argued current benefits are overly generous and cutting them would save \$55 billion by 2045, allowing him to spend \$800 million in potential savings this year. He settled for less. Lawmakers capped end-of-career raises in new downstate and suburban teacher contracts at 6 percent a year. School districts must pay for pension spikes that accompany bigger pay bumps. Teacher pension contributions will increase by 4 percent to continue funding the popular early retirement option. New state university hires won't be eligible for the more lucrative money purchase option for calculating retirement benefits.

The governor made late-evening appearances in both chambers to congratulate fellow Democrats. "Well, a great session. I kinda hate to see it end," Blagojevich told reporters upon leaving the House. He focused on the spending side, which includes:

- \$10.8 billion in construction dollars, including \$7 billion for ongoing projects such as road construction. The \$3.8 billion in new capital dollars doesn't include bond money for new road projects or new school construction.
- \$314 million more for schools, including a \$200 increase in the state's guaranteed per-pupil spending level and \$30 million for early childhood education.
- \$54 million to bail out the financially strapped Chicago Transit Authority.
- \$552 million to maintain Medicaid spending for low-income Illinoisans, including \$6 million to provide 56,000 more working parents with health insurance beginning January 1.

*Pat Guinane*

## **Medical malpractice reforms approved**

Flanked by doctors' groups, Republicans won the legislative battle over medical malpractice reforms, convincing the Democrat-controlled General Assembly to agree to limits on jury awards for pain and suffering.

While a handful of downstate and Metro East Democrats had been clamoring for caps in the past two years, the GOP took credit for getting the Chicago Democratic leadership to acquiesce. "It took a little dragging and kicking and screaming to get them to this point, but we've kicked them over the cliff as far as I'm concerned," says Senate Minority Leader Frank Watson, a Greenville Republican.

Supporters blame jury awards for high medical malpractice premiums, which they argue are causing a shortage of doctors in rural Illinois. The measure does not limit economic damages, such as lost wages, but caps noneconomic damages at \$500,000 for suits against physicians and \$1 million for those against hospitals. "This bill allows for full compensation for the loss of the ability to work, but limited compensation for loss of the ability to walk," says Chicago Democratic Rep. John Fritchey.

The Illinois Supreme Court followed similar logic in 1997 when it rejected caps on noneconomic damages in all lawsuits. The court said the legislature improperly abridged jury discretion and had crafted unfair special legislation. It was the second time the court ruled caps unconstitutional.

The reforms also allow patients to view a doctor's malpractice record and make it more difficult for insurers to raise rates, but those provisions will be lost if the courts again toss out the caps on awards.

*Paige E. Wassel*



## NANOTECHNOLOGY

### Small is getting bigger in Illinois

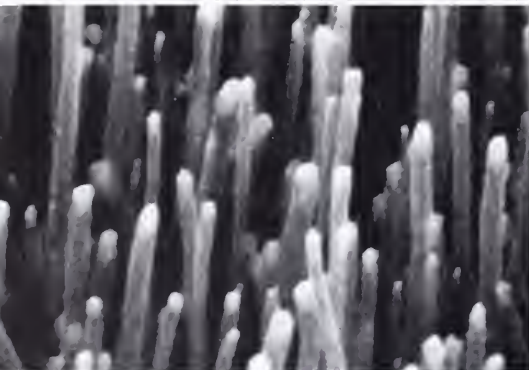
Nano, meaning one billionth, is a prefix attached to an exploding number of patents and products emerging from the science of manipulating matter at the atomic level. On the market are khaki pants that shed dirt and stains, tennis and golf balls that fly farther and straighter, wood and windows that repel water and dirt. Other products are hitting the shelves daily. Medical breakthroughs in drug delivery and diagnostic testing are on the doorstep. And Illinois is well-positioned to take the lead in this emerging technology.

The federal government has budgeted more than \$1 billion this year, while states have invested more than \$400 million, as of last year, in nanotechnology research, facilities and business incubation programs, according to a January study by Lux Research, a private industry analyst.

Illinois, which this year has committed approximately \$45 million, ranked ninth of the 50 states under 16 criteria that judged ability to develop the economy through nanotechnology, according to the Lux report. The state granted another \$57 million for bio- and nanotechnology projects to Argonne National Laboratory, which is located southwest of Chicago near Lemont. The Illinois Opportunity Fund Act would set up a \$200 million private capital fund for entrepreneurial research. That measure was approved by the state Senate but was never considered by the House.

Lux Research Managing Director F.

*Photograph courtesy of Argonne National Laboratory*



*These vertically aligned carbon nanotubes are about 100 nanometers in diameter.*

*Photograph courtesy of the University of Illinois at Urbana-Champaign*



*Michael Strano, front right, with his research team at the University of Illinois at Urbana-Champaign*

Mark Modzelewski said in a statement to the U.S. Department of Commerce that biotechnology created more than 400,000 jobs from 1979 to 1999. "Nanotechnology promises a far greater economic impact because it can affect not just biologically derived products, but all manufactured goods."

Nanotechnology is the understanding and control of matter at dimensions of roughly 1 to 100 nanometers. A sheet of paper is about 100,000 nanometers thick. For example, when carbon atoms — the same carbon as in coal and diamonds — align in a cylindrical structure (called carbon nanotubes), they become very strong, 100 times stronger than steel with one-sixth the weight. That can translate into stronger car bodies, stronger fuel tanks to contain hydrogen for the next generation of power, stronger bullet-proof vests and other clothing, and a whole host of other applications, many of them military.

However, the more immediate boon for the economy and society will likely be in the field of medicine. And this state, through federal and state grants to universities, is at the forefront of turning scientific research into marketable products.

For example, a team headed by Michael Strano, a professor in the department of chemical and biomolecular engineering at the University of Illinois at Urbana-Champaign, has developed a nanotube device that can sense glucose in the

infrared spectrum. Encased in glass capillaries that could be implanted under the skin, the nanotubes can track blood sugar and other biological changes in the body. Strano says this method is less invasive for diabetics and would offer real-time testing to avoid the spikes in glucose and insulin that lead to long-term health problems.

Two Northwestern University research projects involve early detection of Alzheimer's disease and a way to re-grow blood vessels. A team led by Chad Mirkin, director of the university's Institute for Nanotechnology, has developed a diagnostic tool, called a bio-barcode amplification assay, that is a million times more sensitive than tests currently available. It can detect a protein, just 5 nanometers wide, found in low concentration in the cerebrospinal fluid that neuroscientists believe is an indicator of the early stages of Alzheimer's. The test already has been used in experiments with biomarkers for AIDS and prostate cancer.

Another Northwestern team led by Samuel Stupp, director of the Institute for BioNanotechnology in Medicine, developed a gel of nanofibers and proteins that can be injected to grow blood vessels to heal tissue tears or blockages, critical for diabetics and heart attack and trauma victims. That technology could be in hospitals within five years.

*Beverley Scobell*



## CONTRACT WATCH



### Property management

After first attacking the messenger, the Blagojevich Administration dumped a politically connected consulting firm that billed taxpayers for \$31,221 in questionable expenses uncovered by Auditor General William Holland.

A week after top officials at Blagojevich's Department of Central Management Services impugned Holland, the governor thanked the auditor general for his work and canceled a more-than-\$30 million contract with Illinois Property Asset Management.

"You cannot bill the taxpayers for completely inappropriate expenses like parking fees and alcohol and expect to get away with it," Blagojevich said in a written statement. A day earlier, he had defended the Chicago consortium, comparing the firm and its improper expenses to a star Cubs pitcher whose overall effort was marred by a single bad pitch. That same day, Michael Rumman, the outgoing CMS director, went before legislative hearings to apologize for the agency's "overly aggressive and defensive" response to the audit, which included having CMS staffers rummage through Holland's records.

Rumman submitted his resignation in early April, shortly after the agency received the audit findings. He said the two events are unrelated. He now says he will stay on for an indefinite period. Blagojevich's choice to replace Rumman, assistant director Paul Campbell, was listed among state employees who received meals

or other expenses for which Illinois Property Asset Management received reimbursement. Bruce Washington, the CMS employee who oversaw the contract, was suspended without pay.

The auditor general submitted the findings of his audit to Attorney General Lisa Madigan and Blagojevich's inspector general. Holland found that the administration repeatedly broke state contracting rules in handing out \$68 million in consulting work. The report followed *Illinois Issues*' examination of Blagojevich's attempts to reinvent state government with high-priced help. (See "Public work, private gain," February, page 14).

CMS says the consultants saved taxpayers \$252 million last year, but Holland could not substantiate even half those savings.

### Lottery

Gov. Rod Blagojevich backpedaled from his support of another contractor accused of sloppy paperwork. Auditor General William Holland said he could not find supporting documentation for \$2.1 million in billings submitted by R.J. Dale Advertising & Public Relations, which places ads for the Illinois Lottery.

"R.J. Dale is the new reality in my administration, which I take a great deal of pride in, and that is that we're aggressively trying to promote diversity and opportunities in state government," Blagojevich said, crediting the African American-owned firm's ad work for an improvement in lottery revenues.

A day later, the governor told Chicago reporters that the firm would have to reconcile bills for ad placements that Holland could not document. The lottery audit is being reviewed by Attorney General Lisa Madigan who recently issued subpoenas in a broader investigation of Blagojevich campaign contributions and state contracts.

Pat Guinane



The Affordable Housing Fact Book includes over 200 county and community fact sheets and maps trends across the city of Chicago and the state of Illinois. This is an essential resource for community developers, advocates, policy makers and anyone else with a need to better understand affordable housing trends in our region, and the facts behind them.



## CHICAGO REHAB NETWORK AFFORDABLE HOUSING FACT BOOK

## VALUING AFFORDABILITY

Order the Complete Edition of the Affordable Housing Fact Book for \$100 and receive the three volume set in print, on CD-ROM, and in an on-line interactive format with regular updates.

To order the Complete Edition, with full access to the interactive on-line Fact Book, go to our website at [www.chicagorehab.org](http://www.chicagorehab.org) Or call CRN at 312-663-3936.





## SUMMER'S APPROACH Fairs and festivals

Sidewalk booths and make-shift galleries are already under construction. And fair queens and farmers are gearing up for competition. Here are a few of the Illinois art festivals and county fairs scheduled in June.

### ART FESTIVALS

#### Fine Arts & Crafts Fair

Black Hawk State Historic Site  
June 11-12

#### Homewood Fine Art Fair

18120 Highland Avenue  
June 11-12

#### Eagle Landing Fine Art Festival

Riverfront Park, East Peoria  
June 11-12

#### Arts Experience on Michigan Avenue

Plaza of Americas, Chicago  
June 16-17

#### Amateur Town & Country Art Show

301 W. Main St., Vandalia  
June 17-19

#### Beverly Arts Fair

Beverly Arts Center, Chicago  
June 18-19

#### Cantigny Sculpture & Fine Arts Festival

Cantigny Park, Wheaton  
June 18-19

#### Geneseo Music & Crafts Fair

City Park, Geneseo  
June 18-19

#### Hinsdale Fine Arts Festival

Garfield Street & Chicago Avenue  
June 18-19

#### Prairie Art Alliance Art and Wine Festival

Springfield College in Illinois  
June 19

#### Midsummer Arts Faire

Washington Park, Quincy  
June 24-26

#### Taste of Champaign-Urbana Arts & Crafts Fair

West Side Park  
June 24-26

#### Arts in the Park

Lincoln Park, Danville  
June 25-26

#### Highland Park Festival of Fine Craft

Sheridan between Central and Elm  
June 25-26

#### Promenade at the Arts — Fine Arts Festival

Riverfront Park, Yorkville  
June 25



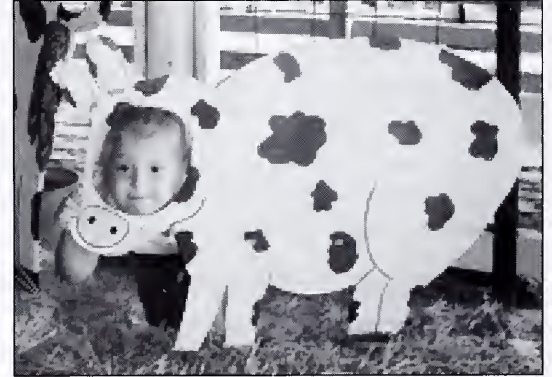
*Viewing an artistic exhibit at the Quincy art fair*

*Photograph courtesy of Quincy Midsummer Arts Faire*



*Young artist at a potter's wheel*

*Photograph courtesy of the Illinois Association of Agricultural Fairs*



*Maddie Fugate, age 5, of Mahomet at the Georgetown Fair in Vermilion County*

*Photograph by Laura Stoecker for Amdur Productions*



*Dream catching at the Gold Coast Art Fair in Chicago*

### COUNTY FAIRS

#### Clark County Fair

Marshall, June 12-19

#### Decatur-Macon County Fair

Decatur, June 14-19

#### Sangamon County Fair

New Berlin, June 15-19

#### Greene County Ag Fair

Carrollton, June 18-25

#### Perry County Fair

Pinckneyville, June 18-27

#### Henry County Fair

Cambridge, June 21-26

#### Piatt County Junior Fair

Cerro Gordo, June 21-26

#### Vermilion County Fair

Danville, June 21-26

#### Montgomery County Fair

Butler, June 22-26

#### Randolph County Fair

Sparta, June 24-July 1

#### Jasper County Fair

Newton, June 25-July 4

#### Schuyler County Fair

Rushville, June 29-July 4

#### Grundy County Fair

Morris, June 30-July 4



## DEATH PENALTY

### Lawmaker wants to stir up state abolition debate

Lawmakers and death penalty opponents seeking a new dialogue may find a forum as early as this summer.

Sen. Mattie Hunter, a Chicago Democrat, is heading a commission to debate capital punishment, which she wants to end in Illinois. At the very least, Hunter says, the state should consider further reforms.

"I know it's going to take a long time for it to occur," she says. "I think it's time to start talking about it."

Hunter asked others advocating abolition, including the Illinois Coalition to Abolish the Death Penalty and Northwestern University's Innocence Project, to help organize a multisided debate that she hopes will feature lawyers, judges and individuals released from Death Row.

"We need to hear from the people who have been directly impacted by the issue," says Jane Bohman, executive director for the coalition. She says speakers will address the legal, social and economic issues encompassed by the death penalty.

Though Illinois law allows for executions, Gov. Rod Blagojevich has kept in place a moratorium former Gov. George Ryan imposed in 2000 after citing systemic flaws that led to 13 death sentence exonerations. Before leaving office in 2003, Ryan cleared Death Row, commuting 167 sentences to life in prison while exonerating four more wrongly convicted men.

A blue-ribbon panel appointed by Ryan gave lawmakers 85

suggestions for reforming the death penalty. Most were incorporated into law early last year.

State courts have handed down eight death sentences in the past two years. Anthony Mertz, the first convicted murderer sentenced to die since Ryan cleared Death Row, had his appeal before the Illinois Supreme Court last month.

Nationwide, 130 death sentences were imposed last year in Illinois and 35 other states that allow executions.

Here in Illinois, legislators continue to tweak the law. This year, they debated a proposal requiring judges and juries to consider defendants guilty "beyond all doubt" before imposing the death penalty.

A legislative committee approved a measure that would have abolished the state's death penalty two years ago, but the debate ended there.

While Hunter wants to end the practice, she says this summer's hearings will feature debate from both sides.

Coalition head Bohman suggests that the discussion examine the facts and current trends surrounding capital punishment in Illinois. "One of the things that's happening is the death penalty is very rarely being used anymore," she says. "What kind of costs are we incurring for this very limited tool?"

Hunter says the hearings will be scheduled after lawmakers approve a state budget.

Paige E. Wassel

TRI STATES  
**PUBLIC RADIO**  
WIUM 91.3 & WIUW 89.5

Listen online at [www.tristatesradio.com](http://www.tristatesradio.com)

NEWS, INFORMATION, & ENTERTAINMENT FROM



NATIONAL PUBLIC  
RADIO



PRI  
PUBLIC RADIO  
INTERNATIONAL



GREAT LAKES RADIO  
CONSORTIUM

TRI STATES  
PUBLIC RADIO  
WIUM 91.3 & WIUW 89.5

TRI STATES PUBLIC RADIO  
WIUM 91.3/WIUW 89.5

News Department

Phone: 309/298-1873 Fax: 309/298-2133 E-mail: [rg-egger@wiu.edu](mailto:rg-egger@wiu.edu)

*Social Work.  
Help Starts Here.*

## 5th Statewide Conference

September 19 - 21, 2005

Holiday Inn Mart Plaza  
350 North Orleans, Chicago, Illinois



Keynote Speaker:  
Geoffrey Canada

Acclaimed author of *Fist Stick*  
*Knife Gun: A Personal History of Violence in*  
*America* and *Reaching Up for Monhood*.



**NASW** ILLINOIS CHAPTER

National Association of Social Workers

180 North Michigan Avenue, Suite 400  
Chicago, IL 60601-7401 phone: 312.236.8308  
website: [www.naswil.org](http://www.naswil.org)

# What will we give up?

Federal lawmakers must weigh the competing interests of security and privacy as they reconsider provisions of the USA Patriot Act

by Daniel C. Vock

As federal agents closed in on a drug trafficking ring in Pittsburgh, they discovered that several of the group's leaders also were in on a credit card racket. The agents searched a Federal Express package and found counterfeit cards.

Normally, the agents would have had to produce a warrant and inform the recipient before they could search the package. But that posed a problem for the investigators.

"Had notice of the Federal Express search tied to the credit card investigation been immediately given, it could have revealed the ongoing drug trafficking investigation prematurely and the drug trafficking investigation might have been seriously jeopardized," U.S. Attorney General Alberto Gonzales told the Senate Intelligence Committee in April.

Instead, the agents relied on a provision of the 2001 USA Patriot Act to delay for a few weeks telling the suspects of their search. The act expanded law enforcement's search powers in the wake of the September 11 terrorist attacks.

Mary Beth Buchanan, the U.S. attorney in Pittsburgh, says that was instrumental in wrapping up both investigations. The drug ring, for which 51 people were indicted, was the largest bust in the Pittsburgh area. As a result, the city's murder rate plummeted, along with the number of fatal heroin overdoses.

"We would not have been able to conclude the investigations as quickly, and we would not have been able to

identify some of the participants" in the credit card scheme without the Patriot Act, Buchanan says.

That so-called sneak-and-peek, or delayed notice provision, though, is dead center in the debate over whether Congress should scale back the Patriot Act as parts of it expire this year. With critics from both parties attacking portions of the law — even permanent provisions — that debate could be fierce.

One of those critics, U.S. Sen. Richard Durbin, an Illinois Democrat from Springfield, put forward an alternative proposal earlier this year that is co-sponsored by two GOP senators. Durbin predicts the fight over the Patriot Act will split party ranks in a "historic face-off."

Not everybody is convinced. Another member of the Illinois congressional delegation, Republican U.S. Rep. Ray LaHood of Peoria, says lawmakers likely will renew the law in short order this summer. He says even the most controversial provisions have worked well. "I think they're minimal; I think they're effective; and I think they've sunk in with the American public."

But discussions over the Patriot Act, whether on Capitol Hill or at the kitchen table, almost inevitably lead to the larger question: Have Americans given up too much privacy to combat crime, including terrorism?

"The Patriot Act has become the focus of a larger phenomenon. If the Patriot Act was repealed lock, stock and barrel

tomorrow, we'd still have a big problem with privacy," asserts Jay Stanley, communications director of the Technology and Liberty Program of the American Civil Liberties Union.

New laws and technology make the freedom from government intrusion far more complicated today, but even our Founding Fathers wrestled with the issue. The very first Congress dealt with the conflict when it enacted the Third and Fourth Amendments, keeping the government out of homes except in limited circumstances. But the need to crack down on bootleggers, drug dealers, war protesters and foreign agents has, at times, pushed the pendulum the other way.

Now, some privacy advocates wonder whether Americans are permanently ceding too much ground to the government.

"I think it's very difficult to retrace your steps in this process," Durbin says. "It's like that old saying: Once the garlic is in the soup, you can't get it out."

Durbin says his concerns about privacy stretch well beyond the powers granted to law enforcement under the Patriot Act. And he's not alone.

It's no surprise that the American Civil Liberties Union is calling for curbs on police powers, government surveillance and data tracking. But so is the Cato Institute, a libertarian think tank based in Washington, D.C. Gun-rights groups and wary conservatives also object to what they see as an erosion of privacy rights.





*New technology aimed at tightening security in the United States includes a biometric fingerprint scanning device.*

In addition to renewing expiring parts of the Patriot Act, Congress has approved a nationwide system for exchanging driver's license information among states. The U.S. State Department is working on a plan to put radio transmitters that will broadcast personal information in U.S. passports. And the nation's highest court continues to grapple with questions about how far the U.S. Constitution goes in limiting police authority to search and seize citizens and their property.

"I don't think there's been a single war in our history when there hasn't been a debate over liberty and security, and the war on terrorism is no different," says Durbin, the No. 2 Democrat in the U.S. Senate.

But that doesn't mean everybody is convinced that the privacy rights of Americans are under assault. Law enforcement officials argue that several of the provisions enacted in recent years have been long overdue, a fact that was made painfully clear by the September

11 airline hijackings four years ago.

LaHood says Congress likely will reauthorize the expiring parts of the Patriot Act this summer "unless people can really come forward and talk about some abuses that have taken place to common, ordinary, peaceful, law-abiding citizens."

LaHood, a close ally of U.S. House Speaker J. Dennis Hastert, another Illinois Republican, says the American Civil Liberties Union and other opponents to the act have yet to make that case.

## Patriot Act sunsets

About a 10th of the USA Patriot Act, which Congress enacted to give law enforcement more tools in the wake of the September 11 attacks, expires at the end of this year. The provisions up for renewal include:

- Authority for the Federal Bureau of Investigation to obtain with a judge's permission medical, financial and library records. Gun owners also worry that it allows the FBI to keep tabs on firearm purchases.
- Permission for police and prosecutors to obtain roving wiretaps to cover multiple phone lines used by a suspect rather than asking a federal judge for permission to monitor each line individually.
- An expanded list of crimes for which federal authorities can request wiretaps.
- Longer-lasting search warrants issued under the Federal Intelligence Surveillance Act.
- Looser restrictions on when investigators can use technology to keep tabs on incoming and outgoing calls to a suspect's phone, as well as Internet-routing information.

- Authorization of nationwide search warrants for electronic evidence in terrorism cases.
- Expanded power for criminal investigators to use methods authorized under the Federal Intelligence Surveillance Act for espionage cases. Law enforcement can now use those methods as a "significant" purpose of their investigation rather than the "primary" one.

Meanwhile, most of the law will remain on the books as is, unless Congress decides to change it. The permanent parts include the ability of law enforcement to use sneak-and-peek, or delayed-notice search warrants, where the subject of a warrant isn't immediately notified that a search took place; a definition of "domestic terrorism" that the American Civil Liberties Union and its allies argue could be used to target political protesters; and extensive provisions dealing with money laundering and border security.

Daniel C. Vock

"If you thought your rights were abridged, you would be running to some lawyer or some organization. I think most Americans would do that," LaHood says. So far, though, he says he hasn't heard of any situations showing that law enforcement has abused its new powers.

One of the most controversial components of the Patriot Act gives police and prosecutors access to library records — a measure LaHood opposes — but he notes the FBI says it has never used those powers.

"The ball is sort of in the court of these rights groups in terms of coming forward and saying, 'Hey, this is where, you know, we maybe stepped over the line.'"

Where, exactly, that line lies is a good question. Although politicians and citizens often talk about privacy rights, those rights are not explicitly mentioned in the federal constitution.

And rights written into federal law can vary greatly from one context to the next. Records of what movies someone rents at Blockbuster are treated different from records of what he or she checks out at the local library. Different regulations apply to grades earned in college, treatment received in a hospital and payments made toward credit card debt.

Further complicating the debate is that the right to privacy has been used to describe the idea that citizens shouldn't have to endure invasive government searches or authorities meddling in such personal decisions as how to raise a child, whether to have an abortion or whom to sleep with. The term also is used when discussing topics that don't directly involve the government at all, such as measures to guard against identity theft.

But when it comes to criminal investigations, the Fourth Amendment provides protections against unwarranted searches and seizures. Still, the extent of those safeguards is often in flux. For example, the U.S. Supreme Court initially ruled that they didn't apply to wiretaps. In 1928, the high court allowed prosecutors to use secretly taped conversations in the trial of a suspected bootlegger. It determined that the Fourth Amendment only covered physical searches.

That ruling stood for 39 years before the court reversed the decision. In *Katz v. United States*, the justices declared that



*A trucker takes a rig through customs' radiation portal at the port of Newark, N.J.*

the "the Fourth Amendment protects people, not places."

"What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection," the court reasoned. "But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."

Even though many Americans would now automatically assume the police would need a warrant to listen in on phone conversations, the court has allowed uninhibited police eavesdropping longer than it has prohibited the practice. But concerns about government wiretaps are alive again in the debate over the Patriot Act. The law allows law enforcement to monitor multiple phone lines or computers associated with a suspect, rather than requiring police to ask a federal judge for permission to monitor each one individually. So now, not only does the Fourth Amendment apply to people instead of physical property, but warrants do too.

Roving wiretaps are one of the issues Durbin recommended scaling back in legislation he is pushing as an alternative to the Patriot Act. He argues that the law

gives authorities too much leeway and gives them the opportunity to eavesdrop on the conversations of innocent people.

Jan Paul Miller, the U.S. attorney for the Central District of Illinois, says longstanding safeguards protect ordinary citizens from having their conversations heard by law enforcement officers in criminal investigations.

"Getting a wiretap is a big deal" for prosecutors, Miller says, because prosecutors must show a judge they have good reasons to believe the suspect is engaged in criminal activity and using the targeted phones to do it. On top of that, they have to convince a federal judge they've run out of other options for obtaining the information they need.

Once investigators get permission to eavesdrop, they have to check in with a federal judge, usually once a week, to keep the court informed of their progress. Running a wiretap means keeping monitors on the job around the clock, but the investigators have to hang up whenever it's clear a conversation doesn't involve crime. They have to keep a log of the calls and then get transcripts of the conversations they want to use, Miller points out.





*Anthony Latona, an Air National Guardsman and New Jersey firefighter, waits for orders to enter the rubble that was once the World Trade Center.*

"It uses a lot of manpower. You're not going to do it unless you need it and it's a very important case. It drains resources."

Across the country, state and federal judges approved 1,710 applications for wiretaps in criminal cases last year, a 19 percent increase from 2003. (Wiretaps in intelligence cases are, obviously, confidential.) Federal judges approved 730 of those requests; state judges signed off on the rest. None of the requests were denied, according to the Administrative Office of the U.S. Courts.

While roving wiretaps and sneak-and-peek searches concern clearly private spaces, other measures in the Patriot Act address information that privacy advocates argue should remain fiercely guarded, even if it is "in an area accessible to the public."

The most obvious example of that is the FBI's authority to request "any tangible thing" — including library and medical records — relating to an intelligence investigation.

But the ACLU's Stanley also highlights another provision in the Patriot Act that allows the U.S. Treasury Department to track financial transactions by a broad swath of citizens, even as

federal lawmakers have clamped down on information-sharing among private companies.

A 1999 law gives consumers the right to opt out of certain information-sharing arrangements among banks and other financial institutions. The Gramm-Leach-Bliley Act requires those institutions to send consumers notices about how companies are using their personal data. But, Stanley says, those protections do nothing to prevent the federal government from inspecting the personal information from those institutions. Further, one provision of the Patriot Act requires financial institutions, casinos and money transmitters to monitor accounts for activity that could be indicative of money laundering.

The Treasury Department maintains the network of databases, which is called the Financial Crimes Enforcement Network, or FinCEN. And that has privacy advocates up in arms. Jim Harper, the director of information policy studies at the Cato Institute, which advocates for smaller government, wrote last year that the motivation behind the monitoring program is to "constantly survey the financial movements of the entire society in order to root out bad actors, using

the financial services sector as a sort of deputy investigator."

"The privacy of individual consumers' financial data is obliterated by programs such as this," he argued. Furthermore, Harper asserted, the database allows federal agents to investigate people instead of crimes. They can look at personal records and discover crimes that haven't even been reported.

"Crime fighters should always identify and punish perpetrators of known crimes. They should not identify people 'suitable for punishment' and then identify what they may have done wrong," Harper wrote.

A law enacted in the early 1970s curbs the amount of information the FBI and other federal agencies can gather on U.S. citizens, but Stanley says the law doesn't prevent the government from using such outside contractors as ChoicePoint or LexisNexis to provide that information.

A more recent example, he argues, shows how easily government can collect data on its citizens, opening the door to identity theft or other abuses. Congress incorporated national standards for driver's licenses in a measure that would provide money for soldiers in Iraq and Afghanistan.

If President George W. Bush signs the proposal as expected, it will require that all states verify citizenship before issuing a license. If states want to give licenses to illegal immigrants, they would have to issue them distinctive licenses. Only approved licenses could be used, for example, to show proof of identity before boarding a plane.

And, some privacy advocates argue, once law enforcement officials expect everyone to have standard identification, they could demand it more frequently because of a ruling handed down by the U.S. Supreme Court last summer. In that decision, the justices upheld the conviction of a Nevada man for not identifying himself to police, though the officer had no indication that he had committed a crime.

LaHood says those concerns are a stretch. "I don't think it would be dissimilar to their ability, if somebody stops somebody, to tap into a system and find out if somebody's got a DUI or somebody's got a ticket or somebody's illegal," he says. "I think, really, it gives

them instant information as soon as the law enforcement system taps into the system.”

But Stanley says the real concern is “not so much the piece of plastic but the database behind it.”

All states would have to store their license information in a format compatible with other states and the national government. And, given private industry’s interest in driver’s license information for purposes as varied as direct-mail advertising or background checks, the privacy protections for ordinary citizens could be dismantled, he says. “Our saving grace for privacy heretofore has been the different databases. But, if you put it all together, data

surveillance can become so rich that it becomes like video surveillance,” he argues.

Even identification cards could betray more information, Stanley says. The U.S. State Department recently backed off a proposal to implant radio-transmitting chips into American passports, but the respite may only be temporary. The chips, which are expected to replace bar codes in many applications, can be read by anyone who comes close to them. That means if the information is unencrypted, passersby could lift a passport owner’s identity without ever talking to or touching their victim, according to Stanley.

Although it seems only a remote

possibility now, the rapid advance of technology means America is increasingly at risk of becoming a “surveillance society,” he says.

“Technologically, the George Orwell world is here. It’s a question of policy and resolve,” Stanley argues.

Again, LaHood is skeptical. He says people are accustomed to showing their driver’s licenses or state identification to board airplanes or enter public buildings. In fact, such precautions often give Americans a sense of a “security blanket” because they know authorities are paying attention to their safety, the congressman says.

“I’ll tell you this: I haven’t had a lot of people coming to me clamoring about

## Fear and freedom

*In times of stress, government responds by restricts civil liberties, then regrets the action*

Author Geoffrey R. Stone calls his thesis a simple one. The University of Chicago law professor believes that in times of crisis the U.S. government has been too quick to shun liberty in the name of security.

Stone, the author of last year’s *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*, presented that theory in a speech before a Chicago lawyers’ group. U.S. Sen. Richard Durbin, an Illinois Democrat, asked in November that the speech be read into the Congressional Record. In that speech (as excerpted and edited by *Illinois Issues*), Stone wrote:

*We live in perilous times. Since September 11th, our government, in our name, has secretly arrested and detained more than a thousand non-citizens. It has deported hundreds of non-citizens in secret proceedings. It has eviscerated long-standing U.S. Justice Department restrictions on Federal Bureau of Investigation surveillance of political and religious activities. It has vastly expanded the power of federal officials to invade the privacy of our libraries and our e-mails. It has incarcerated an American citizen, arrested on American soil, for almost a year — incommunicado, with no access to a lawyer, and with no effective judicial review.*

*It has sharply restricted the protections of the Freedom of Information Act. It has proposed a TIPS program to encourage*

*American citizens to spy on one another. It has laid the groundwork for a Department of Defense Total Information Awareness program to enable the government to engage in massive and unprecedented data collection on American citizens; it has detained a thousand prisoners of war in Guantanamo Bay in cynical disregard of the laws of war;*

*and it has established military tribunals without due process protections.*

*I have a simple thesis: In time of war and national emergency, we respond too harshly in our restriction of civil liberties, and then, later, regret our behavior.*

In the Civil War, President Abraham Lincoln “had to balance the conflicting interests of military necessity and individual liberty,” Stone wrote. In doing so, he suspended the writ of *habeas corpus* on eight separate occasions. In what Stone calls the most severe instance, military officers arrested and imprisoned 38,000 civilians they deemed

guilty of disloyalty. Those imprisoned were not given the benefit of a judicial hearing.

A year after the war ended, the Supreme Court ruled Lincoln had no constitutional authority to withhold the right of trial by judge or jury “even in time of war, if the ordinary civil courts were open and functioning.”

Similarly, during World War I, President Woodrow Wilson, facing opposition, claimed that disloyal individuals “had

Photograph by Lee Russell, courtesy of the Library of Congress



*More than 100,000 U.S. residents of Japanese descent were sent to internment camps after the bombing of Pearl Harbor. In April 1942, these Japanese-Americans await a train in Los Angeles that will take them to a camp at Owens Valley.*



the fact that they've lost their sense of privacy as a result of the Patriot Act. I really haven't. I think people, since 9/11, have been accustomed to the idea," he says.

Miller, the U.S. Attorney in Springfield, says many of the objections to the Patriot Act are the result of a "tremendous amount of misinformation and misunderstanding." For example, he says, people often complain that the FBI can get access to library records, but they don't realize those records could have been subpoenaed before the Patriot Act. In fact, Miller notes, library records were used in the investigation of the 1997 murder of fashion designer Gianni Versace.

Officials from the U.S. Department of Justice also regularly point out that a grand jury investigating a serial killer in New York subpoenaed library records to see who had been checking out books by a poet that may have inspired the Zodiac killer.

The Justice Department also reported that it has used the business records provision of the Patriot Act 35 times as of the end of March. The agency has asked for records dealing with driver's licenses, apartment leases, phone bills and credit cards — but never a library or bookstore record.

A federal prosecutor defending the provision told a U.S. House panel in April, "Libraries should not be carved

out as safe havens for terrorists and spies. We know for a fact that terrorists and spies use public libraries."

The question for Congress, and ultimately the country, is greater than whether that provision should remain law. It is only one example of the federal government's increased reach into our personal space, which means the pending battle over the Patriot Act could be a precursor of the privacy debates to come. □

*Daniel C. Vock is the Statehouse bureau chief for the Chicago Daily Law Bulletin.*

sacrificed their right to civil liberties." More than 2,000 dissenters were prosecuted, and some were sentenced to as much as two decades in prison. The Sedition Act of 1918 prohibited language considered disloyal to the government, the flag or the U.S. military.

"Even the Armistice didn't bring this era to a close, for the Russian Revolution triggered a period of intense public paranoia in the United States," Stone wrote. Thousands were arrested or deported for "suspicion of radicalism" before the act was repealed. The court later found the laws violated the free speech rights of those arrested or deported.

President Franklin Delano Roosevelt, who granted amnesty to imprisoned World War I protesters, responded to the bombing of Pearl Harbor by ordering the Army to designate sections of the country as military areas from which civilians could be excluded. "Although the words Japanese or Japanese American never appeared in the order, it was understood to apply only to persons of Japanese ancestry." Within eight months, 120,000 people of Japanese descent were forced from their homes in the western United States to one of 10 internment camps. Two-thirds of those interned in the isolated camps "in wind-swept deserts or vast swamp lands" were American citizens. "Men, women and children were placed in overcrowded rooms with no furniture other than cots," Stone wrote. "They found themselves surrounded by barbed wire and military police, and there they remained for three years."

It took nearly 40 years for a congressional commission to declare that the internment was based on racial prejudice rather than military necessity. Reparations were granted eight years later, in 1988.

In the 1950s, a series of federal, state and local laws placed restrictions on free expression and free association for Communists. Stone notes that there were public and private "blacklists" and criminal prosecution of the leaders and members of the Communist Party of the United States. The term McCarthyism lingers as a reminder of a period in American history when the government was quick to thwart civil liberties.

*The circumstances that have tended to produce . . . abuses*

*invariably arise out of the combination of a national perception of peril and a concerted campaign by government to promote a sense of national hysteria by exaggeration, manipulation and distortion. The goal of the government in fostering such public anxiety may be either to make it easier for it to gain public acceptance of the measures it seeks to impose or to gain partisan political advantage, or, of course, both. If all that sounds familiar, it should.*

*To return to our own perilous time: The threat of terrorism is real, and we expect our government to protect us. But we have seen disturbing, and*

*all-too-familiar, patterns in our government's activities. To strike the right balance in our time, we need judges who will stand fast against the furies of the age; members of the academy who will help us see ourselves clearly; an informed and tolerant public who will value not only their own liberties, but the liberties of others; and lawyers with the wisdom to know excess when it exists and the courage to preserve liberty when it is imperiled.* □

*Photograph by Dorothea Lange, courtesy of the National Archives and Records Administration*



*This child and his grandfather, of Japanese ancestry, were interned at the Manzanar Relocation Center in California. The grandfather had been teaching the child to walk on the grounds of the camp.*

# LOOK WHO'S WATCHING

*As we make more claims on the public realm  
on behalf of our private selves, our private  
selves have become more public*

by James Krohe Jr.

Divorces  
Property liens

Health problems

As it might be phrased by a new Churchill leading us into war for privacy rights in America, never in the field of human conflict is so much known about so many by so few.

Someone knows more about you than you know they know, more probably than you wish them to know — maybe more even than you know, to the extent that you have forgotten things about yourself that computers never will.

While the sensation of having someone looking over our shoulders is new to this generation of Illinoisans, it is hardly new to Illinois. In the small town of old, neighbors' lives were intertwined in dozens of ways. The result was a social intimacy that some found comforting, and some found stultifying. The local shopkeepers knew your tastes (and budgets), as did the librarian, and everyone knew where, or if, you went to church. However, since you bought and wore and read and believed pretty much the same things as your neighbors, and since you knew as much about them, that knowledge left you vulnerable to snubs and sneers, but not much else.

Today, we live mostly behind closed doors. But while we tend to shop and chat and worship away from the eyes of neighbors, we remain as intimately inter-

twined as ever with others. The difference is that it is not neighbors but insurance companies, banks, online retailers and cable TV companies who are privy to our secrets. That iffy biopsy? That Web search for Japanese schoolgirl pics? It is strangers who are dozens, even thousands of miles away, separated not by a back fence but a telephone line, who know us best — which is how most of us prefer it.

Boundaries that once were clearly drawn — I am here, the rest of world is there — no longer are. When the world first came into our living rooms in the 1950s, the boundaries between private and public realms began to blur. We do things at home that used to be done only in public, such as watch movies and eat restaurant food. When people got used to the world being in their living rooms, they also quickly learned to behave as if the world were their living room. The results amuse or dismay the tourist from abroad, who watches agog as Americans go shopping in their pj's and eat anywhere they feel hungry.

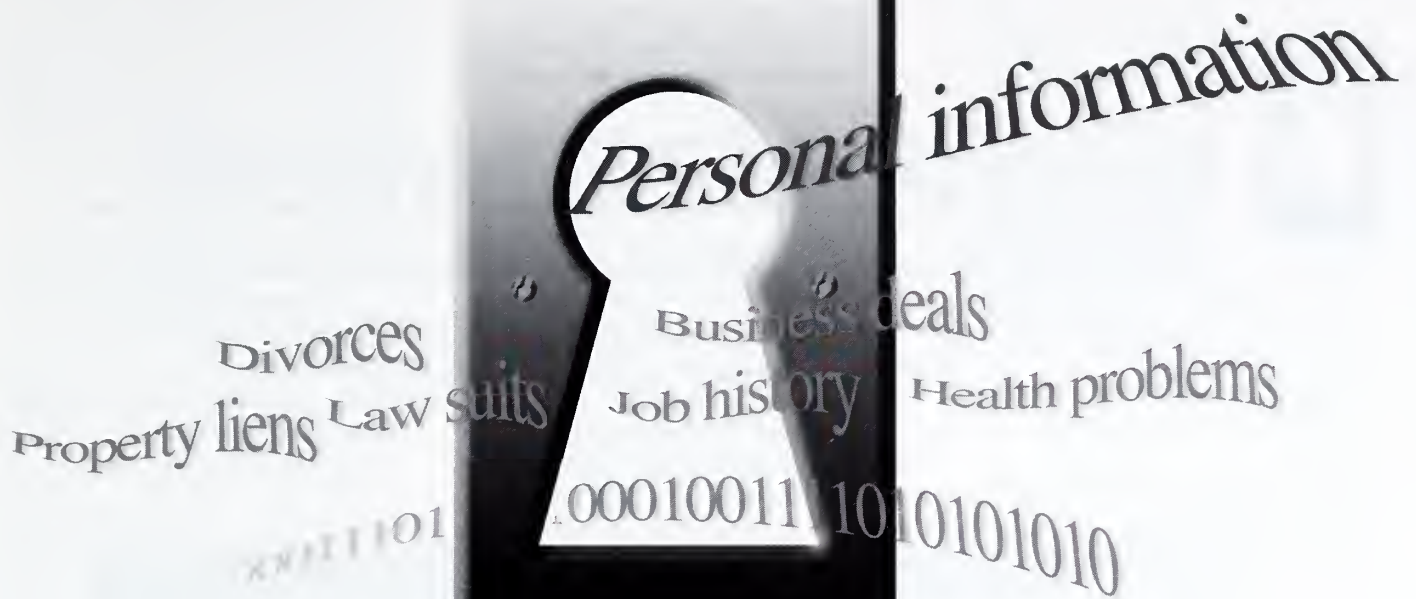
New technologies such as cell phones only advance, if that is the right word, the process that TV began. Phone calls that used to be made at home or in a phone booth — what a quaint notion that

is, a private space set aside in a public place in which to have a phone chat — are now made on trains or in stores, checkout lines and theater lobbies. We now can learn about strangers what we once could learn only by pressing ears against the walls of bedrooms or bathrooms — details of their love lives, marital squabbles, business deals, health problems — whether we want to know them or not. Privacy, which used to mean having one's intimate life protected from the curiosity of strangers, increasingly means protecting oneself from the intimate lives of strangers.

The boundaries are confused, and so are we. People expect privacy — in the office, for example — where privacy did not used to be expected, much less demanded. Merely having a private thought does not make the place in which the thought occurs a private place, however, although lots of people act as though it does.

The degree to which the private and public realms have become muddled can be measured in the surprise with which people greet the news that e-mails, composed on company time and delivered using company equipment and Internet connections, might be monitored by those companies, or considered company





property. These are, of course, the same folks who take umbrage because the people around them are violating “their” privacy by talking loudly on a cell phone about their daughter’s eating disorder or exactly how drunk their buddies got last night.

It isn’t just that people appropriate what used to be public space for private transactions of all kinds. It is that they seem unaware that they are in public space, or even that there is such a thing as public space. “In public” used to be the place where you couldn’t do certain things. In a society that assumes it to be a right to do and have whatever it wants wherever it wants, this is irksome. Privacy — of others, that is — is an irritating obstacle to self-fulfillment, self-expression, or at least self-indulgence. Our narcissistic culture has produced a generation of Bubble children who dwell, blithely unaware, in a portable Me-ville.

In a culture in which so many old assumptions no longer pertain, traditional privacy contracts are having to be redrawn. Here’s one example of many. Governments used to seal adoption records to protect the privacy of the birth mothers. The trend of late is for states to allow access to these records by adult adoptees. For years, the state of Illinois

allowed adults access to adoption records only by court order, but since January 1, state law allows court-appointed intermediaries to do extensive records searches on behalf of adoptees. Thus is the right of privacy of the birth parents, most whom agreed to give up the child only if they could remain anonymous, a little less of a right.

As we make more and more claims on the public realm on behalf of our private selves, our private selves have become more and more public. Employment, property liens, lawsuits, divorces, job history — it’s all stored somewhere. Most know that supermarkets track shoppers’ tastes in pickles, that hotels, through electronic keys, record guests’ entries and exits, and that rental cars have devices that track movement and speed. Call any toll-free telephone number and your own phone number can be recorded and sold to marketers; computer spyware tracks what you buy, what you look at, even what you type into your keyboard. Web search engines such as Google can now customize ads based on what you’ve searched for in the past. (What? You didn’t know there was a record of your Google searches?)

Much of this data is collected — which is bad enough — and sold —

which can be very bad — to commercial data warehouses. The electronic sweepings stored therein is massive — 19 billion records alone in the files of ChoicePoint, which is one of the bigger ones. Its ostensible purpose is to allow business customers to make quick and comprehensive credit checks, a credit record being to today’s Americans what a Communist Party card was in the old Soviet Union. The problem, it turns out, is that just about anyone can pretend to be a business in need of such data; this year, data on hundreds of thousands of people was fraudulently — and easily — obtained from such repositories.

Thomas F. Chapman, chairman and CEO of Equifax, another of the big datamasters, has argued in the *Wall Street Journal* against tighter controls on the collection and exchange of personal credit information on grounds that “the free flow of relevant information” makes America a country whose citizens can “buy a car during their lunch hour.” The dream that this might one day be possible no doubt loomed large with the Founding Fathers, but does consumer convenience of this sort really outweigh privacy as a social good? Even if we accept the industry’s claim that tighter controls “might be debilitating to our



*Most of us have a list of terrorists we want to track — abusive exes, the neighbor who is*

*probably up to no good and bears keeping an eye on, prospective mates who seem too good to be true. The impulse to pry dates back to the first busybody, but the noses of the nosy have never been longer.*

economy,” is the health of the economy the highest value?

Recent headlines have reminded us that, compared to the public data housed in the files of the Internal Revenue Service or the Social Security Administration, private-sector data is ill-secured. And even if the datamasters protect us from Them, who is to protect us from the datamasters? Data theft is an occasional — though still too frequent — problem, while the routine use of this data poses just as much threat to citizens because these databases are rife with false reports and entries that are incomplete or outdated or misentered. The confusion caused by the resulting allegations of bad conduct, the imputations of untrustworthiness, the denial of credit, has brought grief to thousands.

The private credit datamasters thus join government terrorist-hunters and Internet rogues peeping through keyholes. Invading the privacy of others is becoming a public pastime. Most of us have a list of terrorists we want to track — abusive exes, the neighbor who is probably up to no good and bears keeping an eye on, prospective mates who seem too good to be true. The impulse to pry dates back to the first busybody, but the noses of the nosy have never been longer. The

Internet, concealable cameras, encryption software, sound-collection devices, gadgets to intercept phone and other communications not long ago were props in James Bond movies but are now kids’ toys.

Consider the applications of radio frequency identification tags and GPS-equipped cell phones. The makers of such gear naturally stress its benign uses. A Sprint spokeswoman has suggested that one day users of their GPS phones could buy movie tickets and then automatically get directions from their location to the theater. In real life, however, such devices present temptations more compelling than an 8-foot-tall Brad Pitt. One Web retailer recently told the *Los Angeles Times* that the majority of his sales are to wives eager to track errant spouses, and the rest to employers eager to keep tabs on lollygagging workers.

Florida’s Gov. Jeb Bush in May signed a law forcing people convicted of certain sex crimes against young children to be tracked for life using global positioning satellite technology after they are freed. (Other states require GPS tracking of child molesters, but, according to The Associated Press, Florida is the first to insist on it for life.)

Few tears will be shed at that loss of liberty. But the same technology that is used by government to tie electronic cans to the tails of child molesters is being used to do the same to kids. “Kid-tracking” devices (mainly in the form of GPS-equipped cell phones) are as common on middle-class kids as braces these days. Wherify Wireless is one of the firms that is selling what it calls “cutting edge technology that will help keep your children safe.”

Safe from what? Such devices are most popular among families living in neighborhoods that need them least. Just as government’s stated purpose in imposing surveillance on its citizens — national security — is often overstated or dubious, so the stated motive for parents tracking the every movement of their charges — the kids’ safety — usually conceals a different truth. The real benefit of robbing their children of any hope of independence is parents’ comfort, and desire to control. Jerome E. Dobson, president of the American Geographical Society, is one of the

observers alarmed by the trend, which he has called “a new form of human slavery based on location control.”

Derek Smith, the founder of Choice-Point Inc., also is fearful of the strangers that lurk, unknown if not unseen, all around us. Smith argued in his 2004 book, *Risk Revolution: Real Threat Facing America & the Promise of Technology for a Safer Tomorrow*, that it would be a good thing to return to the small town in which all knew the business of all, that the way to true security is to give ordinary people the ability to spy on each other. Instead of the village gossip this time, we will rely on companies like his — for a fee.

Of course, you will know more about your neighbors — but your neighbors will know more about you, too. This is the information version of the nuclear balance of terror, or the argument that the safest protection against criminals is not police and courts and schools but for everyone to go about armed to the teeth. This is a new vigilantism, and while certain Illinoisans have always relished the freedom to hang their own horse thieves, most would rather pay taxes for police departments to protect them against the world’s villains.

All one used to need to protect one’s privacy was a locked diary, a closed window curtain and a buttoned lip; now one needs encryption software, firewalls and the habits while shopping of a spy on assignment. Private citizens already are expected to secure their computers against malicious electronic intruders, review credit reports every week to catch identity thieves and conduct confidential phone conversations on land lines rather than mobile phones to thwart electronic eavesdroppers.

The country that our Derek Smiths foresee is the ultimate evolution of democracy, a society in which every citizen is her own sovereign territory. Few seem likely to welcome it. Life is complicated enough without having to defend one’s borders against infiltration, or guard state secrets about how you financed the home theater in the basement. □

*James Krohe Jr., a veteran commentator on Illinois public issues, is writing a guide to the state’s history and culture for the Illinois Humanities Council.*

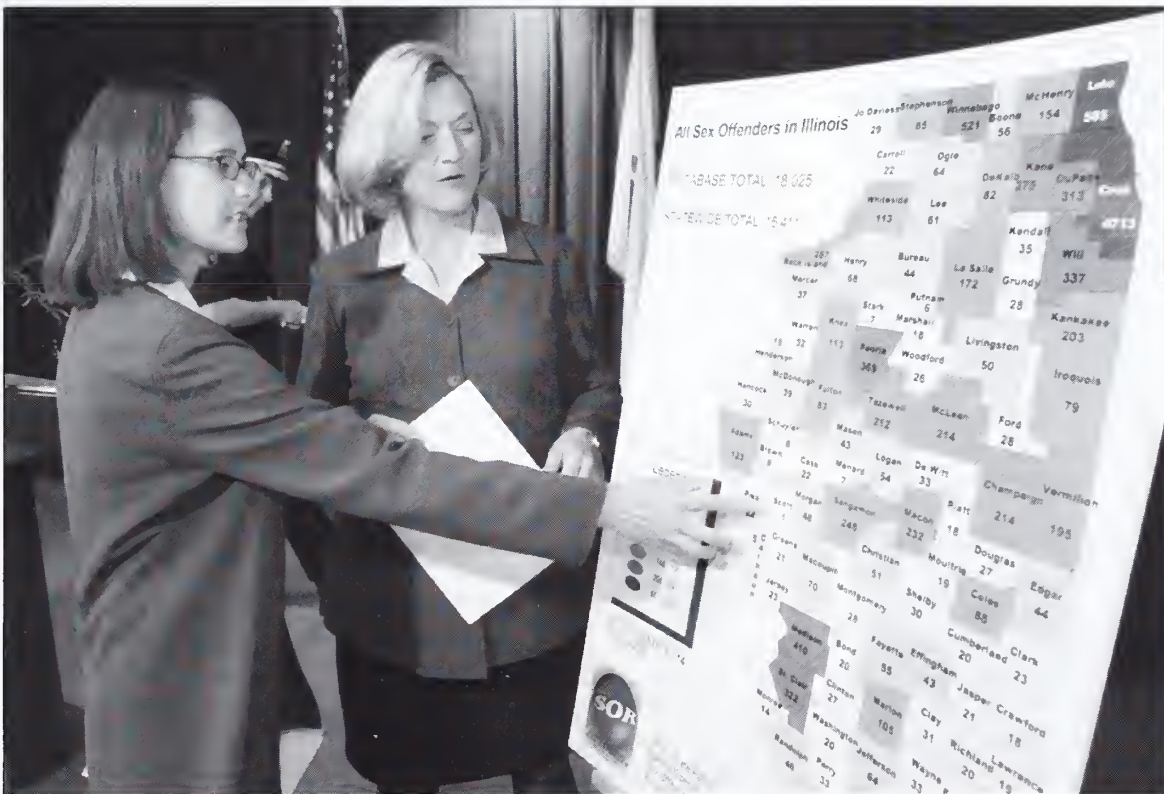


# Treated and released

## Where should sex offenders go once they've done their time? Illinois officials argue that depends

by Pat Guinane

*Photograph courtesy of the Office of the Attorney General*



*Attorney General Lisa Madigan and former state Rep. Mary K. O'Brien eye a map detailing the number of sex offenders per county. Evidence suggests such offenders may strike more than once.*

In a single afternoon last month, a powerful legislative panel took up, among other things, the death penalty, witness intimidation, eavesdropping and state gun laws. But for every measure under consideration there was another aimed at a single subject: sex offenders.

"It seems like every other bill deals with sex offenders. If they had any money, they should hire a lobbyist," remarked Chicago Democratic Sen. John Cullerton.

as a long day spilled into evening.

Minutes later, the committee approved yet another bill, this time prohibiting more than one paroled sex offender from living at the same address, with the exception of state-supervised transition centers. The senators paused to ensure they weren't voting to set up more such facilities and some wondered why they exist in the first place.

"Send 'em on a boat somewhere,"

suggested Sen. Bill Haine, an Alton Democrat and former state's attorney. "Man, I don't want that in my backyard."

Neighborhoods generally don't welcome ex-cons with open arms, but parolees who have committed crimes of a sexual nature are an especially unwelcome bunch. Sex crimes are seen as particularly heinous, and evidence suggests such offenders may strike more than once. Paroled sex offenders were

four times more likely to be rearrested for a sex crime than other released convicts in a recent U.S. Justice Department study covering Illinois and 14 other states.

But government simply cannot warehouse every individual who commits at least one of a growing number of sex crimes. Instead, Illinois officials, led by Attorney General Lisa Madigan, want to improve the way the state monitors these parolees. Under the plan, they will have to sacrifice more of their personal privacy to enhance the security of other Illinoisans.

There are more than 18,000 sex offenders in Illinois. Parolees can't live near parks or schools. And every year they have to update their addresses with the state. They have to tell local officials before they move, and some must name their employers. Still, two-thirds of all sex offenders go unsupervised by the state. They're either off probation or have completed their parole, which lasts no more than three years.

Madigan wants to change that. She's calling for flexible parole terms, which for some could mean lifetime supervision. High-risk offenders also would be outfitted with electronic bracelets linked to a global positioning system that uses satellites to track their movements. If a parolee loiters near a local park or passes by a victim's home, the state will have definitive evidence.

"It's going to end up being good for offenders because the goal is to keep them out of prison and to provide them with services and treatment that they need," says Cara Smith, Madigan's point person on sex-offender legislation.

The attorney general's most recent effort garnered overwhelming support in the General Assembly this spring, and Gov. Rod Blagojevich has voiced his approval, meaning it likely is only a matter of time before Illinois becomes the 14th state to supervise some sex offenders for life. Florida joined the list last month after a convicted sex offender was charged with kidnapping, sexually assaulting and murdering a 9-year-old neighbor girl. In addition to lifetime supervision and electronic monitoring, the legislation signed by Florida Gov. Jeb Bush mandates a sentence of 25 years to life for those convicted of molesting a child younger than 12.

In Illinois, criminals considered sexually dangerous because of a mental condition or a propensity for repeat offenses can be incarcerated indefinitely. The handful who have been treated and released must register with the state for life while most offenders are required to remain on the state registry ([www.isp.state.il.us/sor/frames.htm](http://www.isp.state.il.us/sor/frames.htm)) for a decade after release. Many paroled sex offenders already are monitored electronically in their homes. GPS devices would track what they do when they leave home for work and other approved activities.

Earlier this year, Blagojevich put out bids for 200 of the tracking devices, which will allow the Illinois Department of Corrections to establish a pilot monitoring program. The move came after a *Chicago Tribune* report showed that 10 percent of the state's paroled sex offenders were concentrated within a single Chicago ZIP code. That report helped advance the legislation prohibiting multiple sex offenders from living at the same residence. The measure also would develop licensing standards for transitional housing, which led legislators to question whether they were paving the way for additional facilities.

The problem, as Sen. Haine rather brashly asserted, is that people don't want to live next to a sex offender.

"It's portrayed as a black and white issue once you start looking at the political aspects of this. It's presented as a sex offender is a sex offender," says Dr. Lauro Amezcua-Patino, a Phoenix-area psychiatrist who has helped Arizona lawmakers review their sex offender treatment programs. "It's very difficult for the public not to support more punishment for sex offenders. From the political perspective, it's an issue that is very palatable for politicians to endorse."

Amezcua-Patino runs a residential facility for young adult sex offenders. He says supervision and treatment works well for some offenders, but others simply aren't willing or able to accept treatment and instead must be incarcerated.

"You have to have good psychiatric evaluations," says Dr. Poghos Voskanian, a Philadelphia-based forensic psychiatrist who often testifies as an expert witness in criminal cases. "Our sexuality is a deeply ingrained matter. You cannot

really change your orientation, or it's an extremely hard thing to do."

But with proper assessment, officials can determine which individuals can handle parole, Voskanian says. "I think that it's a worthwhile effort to monitor without keeping those people in prisons and jail for their whole life."

Such policies, however, require resources. Blagojevich has proposed spending an additional \$2.7 million next year to add 31 parole agents to a specially trained sex offender monitoring unit established last year. At the same time, the Department of Human Services program that provides psychiatric treatment for sexually dangerous individuals is not in line for an increase in the agency's \$18.9 million appropriation. Sex offenders can be charged to recoup some of their assessment, treatment and monitoring costs under a Madigan initiative the governor signed last summer.

Assessments will play a crucial role in a more flexible parole plan that includes the option of lifetime supervision, says Smith, Madigan's policy director.

"Really, what you need is someone that's going to say, 'This sex offender needs more intensive monitoring than this offender.' Our current laws don't really allow that kind of individualization," she says. "Whether you're a treatment provider or a lawyer or a judge or just a person on the street, you realize that someone who rapes a young child presents an entirely different scenario than the 19-year-old who has a 15-year-old girlfriend. Those are behaviors that are dramatically different and yet our laws don't acknowledge that in any real way."

In the the past two decades, the state has set aside more than 30 crimes for which the convicted must register as sex offenders. In addition to rape and child molestation, the list covers juvenile pimping and solicitation, possession of child pornography, kidnapping and child murder.

Recent legislative efforts, including those this spring, deal mostly with parolees. The measures garner wide support, including Madigan's proposal for lifetime supervision, which didn't receive a single "no" vote in either the House or the Senate. And, as Sen. Cullerton can attest, sex offenders don't deploy an active lobby in Springfield. □



# Brave new medium

Blogs are exploding in political circles. But while they can enhance public discourse, they operate outside the standards of mainstream media

by Ben Fischer

When state Rep. Rosemary Mulligan introduced the Ultrasound Administration Act this spring, it appeared to have all the makings of an unremarkable bill. Requiring a doctor's or nurse's permission to take pictures inside the womb seemed innocent enough, and few lobbyists or lawmakers took notice. In early March, the Des Plaines Republican's measure glided through committee without opposition.

But as it continued through the legislative labyrinth, something began to happen. Rank-and-file members of anti-abortion groups quickly mobilized, pointing to a more onerous implication. The measure, they argued, would impede pregnancy centers that use ultrasounds as part of a larger strategy to talk women out of abortions.

By the time it advanced to the Senate, the legislation had become the focal point of the abortion debate in Springfield. What triggered the outpouring of effort against a measure that Illinois Citizens for Life admits wasn't initially a top-tier priority? In part, it was political bloggers, the new independent Internet commentators who say they're upending the traditional flow of news across the country. When Mulligan's proposal was approved by the House in mid-April, at least a dozen blogs (or Web logs) weighed in while traditional media went silent.

By their very nature, blogs are difficult to catalog. Some authors write anonymously while others post infrequently. But at least two dozen bloggers from Chicago to Carbondale follow sausage-making at the Statehouse and chronicle politics across Illinois.

This new medium is exploding in political circles, with the best blogs growing in readership and new ones starting up daily. But while blogs can enhance the public discourse, they operate outside standards adhered to by "mainstream" media, meaning newspapers, TV and radio.

Do bloggers deserve the same protections as those old-guard observers? Or should they be regulated more like political operatives? A California judge declined to address the first question in a lawsuit in connection with Apple Computer trade secrets. The bloggers involved argue that, like journalists, they shouldn't have to reveal anonymous sources who leaked the secrets.

At the same time, Congress and the Federal Election Commission are at odds over blogs' role in the political realm. The commission is considering rules that would make election law, and not the First Amendment, the final arbiter of blog content.

Objectivity, however, is only one concern. Questions over accuracy loom, as well. Blogs publish without editors — a prospect sure to be good for scoops, but perhaps not so good for accuracy. The 2004 primary season, for instance, featured an unfounded, blog-driven rumor accusing John Kerry of having an affair with a reporter.

Still, when the right factors align, the blogosphere can shape the news cycle.

## The Illinois blogosphere

Capitol Fax

[www.capitolfax.blogspot.com](http://www.capitolfax.blogspot.com)

The ArchPundit

[www.archpundit.com](http://www.archpundit.com)

CrossBlog

[www.joincrossblog.com](http://www.joincrossblog.com)

The Peoria Pundit

[www.peoriapundit.com](http://www.peoriapundit.com)

Modern Vertebrate

[modernvertebrate.blogspot.com](http://modernvertebrate.blogspot.com)

Blago's Blunders

[blagoblunders.blogspot.com](http://blagoblunders.blogspot.com)

DJWInfo

[djwinfo.blogspot.com](http://djwinfo.blogspot.com)

Illini Pundit

[illinipundit.blogspot.com](http://illinipundit.blogspot.com)

Song of the Suburbs

[songofthesuburbs.blogspot.com](http://songofthesuburbs.blogspot.com)

## The national blogosphere

Daily Kos

[www.dailykos.com](http://www.dailykos.com)

Instapundit

[www.instapundit.com](http://www.instapundit.com)

Talking Points Memo

[www.talkingpointsmemo.com](http://www.talkingpointsmemo.com)

Wonkette

[www.wonkette.com](http://www.wonkette.com)

At the national level, blogs are credited with bringing down former Senate Majority Leader Trent Lott in 2001, when they ganged up on his little-reported praise of Strom Thurmond's 1948 pro-segregation presidential run. And in 2004, conservative bloggers debunked as forgeries the documents CBS News relied upon for its story questioning President George W. Bush's military service, ultimately forcing the network giant to recant the information and fire four staffers.

The Illinois blogosphere's first big story came during the kamikaze campaign of Republican U.S. Senate candidate Alan Keyes. Fire-and-brimstone speeches condemning abortion, taxes, gays and lesbians were the cornerstone of his campaign. Keyes directed particularly harsh rhetoric at homosexuals, at one point labeling them "selfish hedonists."

Meanwhile, *Modern Vertebrate*, an anonymously penned Illinois blog, somehow found a personal Web site authored by Keyes' daughter, Maya. There, the 19-year-old openly discussed life as a lesbian college student and daughter of a conservative political candidate.

The revelation tore through the blogosphere and, within days, links to Maya Keyes' blog were seemingly everywhere, including a few national sites. For its part, mainstream media stayed away because neither Keyes nor his daughter would confirm the site's legitimacy. The result? Because of the blogosphere, political junkies had the story six months before most newspapers wrote one word. Maya Keyes publicly came out as a lesbian in February, three months after the election.

The Keyes revelation and the groundswell of grassroots resistance to Mulligan's ultrasound legislation hint at blogs' ability to shape public discussion. Some media critics have even predicted the downfall of the mainstream media, which they say blogs expose as out-of-touch, slow and protective of the establishment.

But the long-term ramifications of this new medium aren't at all clear. Blogs might beat traditional media when it comes to the slick and the swift. But what about reliability and readership?

The most popular Illinois blogs count

their daily readers in the hundreds or low thousands, just a shadow of the circulation figures at even modest downstate newspapers.

The Internet in general — the Web sites of establishment print and broadcast outlets — has grown extremely popular with news readers. A Pew Research Center report from June 2004 found that 72 percent of Americans go online regularly for news. But blogs themselves still operate in a narrow sphere, with a recent Harris Interactive poll finding that three of five Americans can't define the term "blog."

Don't mistake small audiences for small impact, though, says *Chicago Tribune* columnist Eric Zorn, author of the blog *Zorn's Notebook* and one of mainstream media's most enthusiastic blog champions. "It's not so much how many people are reading them," he says. "It's who's reading them."

Who's reading them are journalists, lawmakers and political operatives, bureaucrats, lawyers and public relations gurus. In short, the authors and readers of blogs are people who matter, Zorn says. That's because blogs, unlike newspapers, radio and TV stations, can target a small niche of political junkies.

St. Louis resident Larry Handlin writes *Archpundit.com*, a leading Illinois political blog. Despite some of his fellow bloggers' boasts, he claims no interest in overturning traditional media. Handlin admits his shortcomings. Only professional journalists have the money, sources and time to do the heavy lifting: presenting original information to readers. Instead, he says, he focuses on filling a niche.

"Reporting's really hard," continues Handlin. "A lot of bloggers don't quite get that. I write for some of the local community papers here, and I've had to track down stories on things like budgets, and that's really hard stuff to do. It's very easy to make mistakes. Most of what I'm doing is analysis, looking at information that's already available and putting it in context."

Context. In many ways, that's what political journalism is all about. Illinois politics is a world where personalities and egos drive legislation as much as issues themselves, and personal win-loss scorecards are critical. Those nuanced

calculations and subtleties can be virtually impossible to convey in daily newspapers, TV and radio reports, where space and time are short and editors shudder at passing along "inside baseball."

Blogs, on the other hand, are perfect for just that. Without the demands of mass-audience advertisers that mainstream media have, bloggers and their like-minded audiences thrive on inside baseball. The political gossip mill is the lifeblood of the *CapitolFax* blog, the undisputed blog of record in Springfield that longtime political newsletter publisher Rich Miller started last fall to complement his print product.

"Original information [on blogs] tends to be in the form of what I call the 'Kremlinology' of Illinois politics, who's standing next to whom at the May Day parade, which interest is in conflict with each other," says Sen. Jeff Schoenberg, an Evanston Democrat who counts himself among the Senate's most prolific blog readers.

Cindy Davidsmeyer, press secretary for Senate President Emil Jones, agrees. Checking the major blogs several times a day has become an integral part of her duties as press strategist for the chamber's top Democrat. Whereas mainstream media largely report on what has already happened in Springfield, the "blogosphere" gives her an idea of what might be coming — the "conjecture," she calls it.

"You check them more or less to find out what might be floating rather than what is hard fact," she says.

Schoenberg is an exception in a legislature whose members are largely blog-blind, says Davidsmeyer. Her Republican counterpart, Patty Schuh, agrees. Most legislators are too busy to keep up with Internet sources. And rank-and-file lawmakers tend to be experts in their interest areas, focused on a handful of bills, while bloggers offer a more general snapshot of the big picture.

There's no rule saying bloggers have to emulate journalists, or even write about politics. Open-source software (the product that enabled blogs in the first place by taking the techie know-how out of Web publishing) allows observers to write about anything they want. But it didn't take long for politicians to figure out how to add blogs



to the campaign arsenal.

House Minority Leader Tom Cross warmed to the concept while watching Democratic presidential candidate Howard Dean run an Internet-based campaign in the 2004 primaries. The Oswego Republican began instructing his staff to beef up their Web presence and, less than a year later, the *CrossBlog* is now among the top tier of Illinois political Web sites.

Jake Parillo, a Cross assistant who pens most of the *CrossBlog* content under the pseudonym Chris Rhodes, says blogs are ideal for politics — they foster bottom-up organizing, which used to require more dollars and manpower than most campaigns can muster.

Just as the anti-abortion forces mobilized to fight the ultrasound bill through their familiar online outposts, the *CrossBlog* is the undisputed Web meeting place for young Republicans in the Prairie State. It's almost the only way to really reach a generation that's synonymous with cynicism, Parillo says.

"Traditional PR is dead," he says. "Companies and politicians are changing by taking [blogs] and laying their product out on it, coming out of their ivory towers and speaking through human voices."

The paths of campaign-oriented and journalistic blogs cross sometimes, though, and that's when ethics hawks get nervous. Readers can be sure that the *CrossBlog* is an effort devoted to Tom Cross and to someday making him House speaker. Additionally, readers can have little doubt that *CapitolFax* is primarily informative, not persuasive.

But what about *Archpundit*? What about the national blog *DailyKos*? They're both liberal-leaning blogs run independently of particular political campaigns, but they also actively work for Democrats — Handlin accepts donations from four Illinois Democrats running for Congress next year, and *DailyKos* raised \$574,000 in 2004. It's more complicated for them.

The Federal Election Commission is contemplating regulating blogs as political speech, thus making them subject to federal campaign finance restrictions. The blogosphere has cried foul and both chambers of Congress have bills pending that would pre-empt those regulations.

Also, California Superior Court Judge James Kleinberg is weighing arguments

in a lawsuit filed by Apple Computer against two blogs, *PowerPage* and *Apple Insider*. The company subpoenaed the bloggers' e-mail providers in an attempt to discover who leaked information about a pending Apple product that would allow musicians to record instruments directly onto their computers. Kleinberg held up the initial subpoena, but the bloggers — backed by the *Los Angeles Times* and other large journalism conglomerates — say state shield laws should allow them to keep their sources secret. The subpoena fight moved to the appellate level. But Kleinberg sidestepped the overriding questions of the Apple suit and, indirectly, the Federal Election Commission debate: Who is a journalist? Does she have to work for a "real, live" newspaper or TV station? And can he say, "Vote for Candidate A" and still have the legal privileges of a journalist?

For blogs — a medium where opinion is practically a prerequisite — the line between electioneering and fair commentary is difficult to discern. Rebecca Ann Lind, a media ethicist at the University of Illinois at Chicago, doesn't think government should make the distinction, whether it be the election commission or a judge. To be taken seriously, bloggers should draw the line themselves.

"If one wants to be seen as a credible alternative to traditional media, that blogger really does need to reflect those ideals [of objectivity]," Lind says.

It's not just the bloggers themselves, though, who must mind their ethics. Through the reader-comment areas available on most blogs, political operatives can manipulate the conversation, creating a false impression of a grassroots movement, says Thom Serafin, president of the Chicago political public relations firm Serafin & Associates.

"There are teams of those people, associated or nonassociated with campaigns, and their job is to fill these blogs with comments and letters," he says.

Gov. Rod Blagojevich took a minor public relations hit in April when it was revealed that he pushed state workers to drum up support for his education plan. The administration even supplied draft letters that friends and neighbors could emulate in dispatches to local editors. But before appearing in newsprint, those

letters would at least have to be signed, edited and their authors verified. No such restrictions apply on blogs, where anonymity — even pseudonymity — is encouraged.

In the final analysis, actors on the Illinois political stage are welcoming blogs, while acknowledging their inherent limitations. But, Lind cautions, the consumer must seriously weigh the credibility of this new medium. More information, Lind says, puts "a greater burden on the reader, who is increasingly faced with both interpreting content and the source." □

*Ben Fischer is a graduate student in the Public Affairs Reporting program at the University of Illinois at Springfield. He is an intern in the Statehouse bureau of the Chicago Sun-Times.*

## ***What's the difference?***

### **Web sites**

Heavily visual. Lots of graphics and pictures, with a limited amount of text. Multiple layers of sites, linked from a home page. Updated less frequently, and information is semi-permanent. An update replaces the old content. Sometimes the content is put in an archive, sometimes it's just deleted. Usually has an e-mail link or a "Contact" page.

Sophisticated sites have multi-member paid staffs, constantly working on development and enhancement.

### **Blogs**

Text-based. Pictures and graphics are almost nonexistent, and it's one continuing scroll of content. Updated at least once a day. The best blogs are updated many times a day. An update takes the top spot on the page, and the old content just moves down. The posts are presented in reverse-chronological order, creating the "log" effect. At the end of every posting, readers can post their own replies, engaging the author or other readers in debate.

The best blogs are posted by one writer who has an engaging "voice."

# Fuel for thought

Lawmakers are trying to turn drivers into energy-efficient consumers. Can they accomplish what higher gas prices can't?

Article and photographs by Paige E. Wassel

Perched well above \$2 a gallon, gas prices hang over summer travelers like vultures. Yet SUVs and sedans still lumber across the landscape like the once-ubiquitous buffalo. If climbing pump prices aren't enough to convince motorists to abandon their gas-guzzling beasts, can government steer citizens to more energy-efficient modes of transportation?

Lawmakers certainly are trying.

And, nationwide, purchases of more fuel-efficient "hybrid" vehicles rose 81 percent last year, according to R.L. Polk & Co., a leading auto analyst. But with only 83,153 sales, models powered by a combination of gas engine and electric motor accounted for less than 1 percent of the new car market.

In fact, the gas guzzler is hardly endangered — despite the sticker price. And some of the best-selling automobiles get half as many highway miles per gallon as the most efficient models.

Still, the geopolitical concerns that constrain American energy consumption have lawmakers looking for ways to encourage fuel-saving options. While the national focus centers on decreasing the country's dependence on foreign oil, state lawmakers are eyeing ways to improve air quality and boost local economies.

In Illinois, legislators see agrifuels as one solution and are supporting proposals



to spread the development and use of corn-based ethanol and soybean-based biodiesel. In particular, E-85 fuel, a blend made with 85 percent ethanol and 15 percent reformulated gasoline, is gaining legislative attention.

This spring, lawmakers are promoting E-85 fuel coupons, informational brochures and maps locating E-85 fueling stations across the state for flex-fuel vehicle owners, whose cars are capable of running on gasoline or E-85. They also are seeking to ensure that new additions to the state fleet are capable of running on ethanol or biodiesel.

Rep. Roger Eddy, a lead proponent for many of these efforts, represents a rural east central Illinois district where corn and soybean fields dot the terrain. The Hutsonville Republican says the

legislature's latest efforts aim to steer consumers toward biofuels.

"In the past, maybe we've been more concentrating on the side of production facilities and providing incentives and funding for producing ethanol," Eddy says. "Now, we need to concentrate on marketing the ethanol that we've produced with those previous incentives. It's a natural progression."

Since 1998, the state has offered cash incentives to drivers, school districts, businesses and local governments that use such alternative fuels as propane and natural gas. A \$4,000 rebate is

available to buy an alternative fuel vehicle or to convert an existing model. And Illinoisans can reap annual refunds of up to \$450 for filling up with E-85 or B-80, a biodiesel fuel that's 80 percent soybean-based. Further, some high-concentration biofuels are exempt from the state sales tax.

Some of these savings, however, may be sapped by more frequent fill-ups. Though politicians and environmentalists tout ethanol as a cleaner-burning fuel, it burns less efficiently than regular gasoline. Ethanol can drop fuel efficiency by up to 15 percent, which means E-85 users might sacrifice a few miles per gallon.

State officials considered this factor, says Darwin Burkhart, manager of the Illinois Environmental Protection



Agency's clean air programs unit. "While the pump price may be less, the cost to the driver may be a little higher because of that, and our rebate program takes that into account."

Looking for other ways to stretch the odometer, Rep. Jack Franks, a Democrat from suburban Woodstock, wants to establish a \$1,000 income tax credit that drivers could claim up to five years after purchasing a hybrid. A gasoline engine and electric motor combine to power these vehicles, including popular models such as the Toyota Prius and Honda Civic. The gas engine and heat created from braking operate together to power the motor, which in turn works with the engine to propel the car, thus cutting down on fuel use and tailpipe emissions.

Franks' proposal failed to clear any legislative hurdle. He blames the bill's fate on a reluctance to give up taxpayer dollars in a tight budget year.

Still, Franks suggests the state saves in the long run by decreasing pollution and oil use. "So the analysis is incorrect," he says. "They're not looking at the correct bottom line. I don't see how we can't afford to do these types of things for our future generations."

Other states, among them California, want to extend special driving privileges to hybrid owners, including use of interstate carpool lanes.

Meanwhile, the federal government offers a \$2,000 income tax credit for new hybrid purchases. But that incentive drops to \$500 next year and will expire in 2007 unless lawmakers renew the provision — a move President George W. Bush has indicated he would support.

Some question the need for economic incentives, though, given that shoppers often must join six-month waiting lists before they can get behind the wheel of a new hybrid. "They are selling themselves essentially," says Burkhart, the EPA manager.

In fact, the U.S. hybrid market grew tenfold from 2000 to 2004, with registrations of those vehicles jumping from 7,781 to 83,153, according to R.L. Polk & Co.,

the Michigan-based auto analyst. Last year, the Toyota Prius accounted for 64 percent of new registrations, followed by 31 percent for the hybrid version of the Honda Civic.

Illinois ranks eighth among the states for hybrid ownership, thanks in part to a 74 percent jump in sales from 2003 to 2004. Still, the state has only 2,707 registered



hybrids and fewer than a quarter of those are outside the Chicago area.

"Hybrids have gained acceptance with a consumer group that is price conscious and environmentally aware," says Mike Duoba, a research engineer at Argonne National Laboratory, about 25 miles southwest of Chicago. "Gas prices are higher than anyone thought they would be. There's a lot of people who feel like they need to do their part," he says. "It became a statement."

Despite impressive sales growth, hybrids constitute a mere sliver of the U.S. auto market, which registered 17 million sales in 2004. Horsepower and size still trump fuel efficiency for many consumers, according to sales figures from Forbes.com.

The Ford F-Series, Chevrolet Silverado

and Dodge Ram — all full-size pickup trucks that get less than 22 highway miles per gallon — occupied the top three sales slots in 2004. In fact, U.S. EPA figures show that only one vehicle on the top 10 list gets better than 35 highway miles per gallon. By comparison, the Honda Civic hybrid can travel 51 miles of highway on a single gallon and the

Toyota Prius registers 60 miles per gallon for stop-and-go city driving, well above federal minimums.

Congress established Corporate Average Fuel Economy standards in 1975 with the intent of encouraging energy-friendly car production. Ken Katz, lead engineer of the CAFE program in Washington, D.C., says the standards emerged out of the 1973 to 1974 Arab oil embargoes with the goal of doubling fuel economy by the model year 1985. "Use less oil, pollute less and increase security. Those are the three overriding goals," he says.

But in the past two decades, the federal standards have remained relatively stagnant. An automaker's entire passenger car fleet must meet an average fuel economy of 27.5 miles per gallon, a standard unchanged since 1990. Meanwhile, most trucks, minivans and SUV models must average 20.7 miles per gallon, the standard since 1996. This "light

truck" requirement inches up to 22.2 miles per gallon in model year 2007. Heavy trucks of more than 8,500 pounds, including Hummer luxury SUVs that start at \$50,000, are exempt from fuel economy standards altogether.

The fuel economy ratings are based on Environmental Protection Agency test figures. However, the standards imposed on automakers vary from the miles-per-gallon stickers affixed to showroom models. The EPA adjusts those numbers to reflect "real world" variances not seen under lab conditions.

Chris Grundler, deputy director in the EPA's department of transportation and air quality in Ann Arbor, Mich., says the 1985 formula may soon be altered to account for cold-weather driving, air conditioner use, faster drivers and aggres-

sive acceleration. "We think it's high time, especially with a growing awareness of energy in the country. People are paying a lot more attention to what it costs them to fill up their tanks," Grundle says.

The reformulation of the standards may be completed by the end of this year. While it won't affect automakers, Grundle says the new standards can only improve consumer awareness. "One of the most important things a person can do to reduce how much gasoline they use will be in their purchase decision when they're in the market for a new vehicle," he says. "We try to help consumers make an informed choice."

The EPA also offers a Green Vehicle Guide on its Web site, providing consumers with fuel efficiency and environmental ratings for new cars.

As drivers consider their next vehicle purchase, state legislators and automakers are looking for ways to improve the fueling systems of tomorrow, with cars powered by hydrogen or fuel cells getting lots of attention.

Last fall, California Gov. Arnold Schwarzenegger proposed creating a "hydrogen highway" in that state with fueling stations equipped to handle hydrogen-powered vehicles to encourage fuel conservation and environmental consciousness. Schwarzenegger said he wanted the state to build this network by 2010. His plan would build one station every 20 miles on the state's major highways.

Though these vehicles haven't hit the mass market yet, interest in the fueling system is high. Hydrogen can be generated by essentially anything, including water, gasoline, coal, natural gas, ethanol, corn,

## Top 10 best-selling vehicles 2004

MODEL	CITY/HIGHWAY MPG*
1. Ford F-Series	17/20
2. Chevrolet Silverado	17/20
3. Dodge Ram pickup	14/19
4. Toyota Camry	24/33
5. Honda Accord	26/34
6. Ford Explorer	16/21
7. Honda Civic	36/44
8. Ford Taurus	20/27
9. Chevrolet Impala	21/32
10. Dodge Caravan	20/26

SOURCE: *Forbes.com*  
\* Based on EPA numbers



## Top 10 most fuel-efficient vehicles 2004

MODEL	CITY/HIGHWAY MPG*
1. Honda Insight	60/66
2. Toyota Prius	60/51
3. Honda Civic Hybrid	46/51
4. Volkswagen (Golf, Jetta, Beetle)	38/46
5. Honda Civic HX	36/44
6. Toyota Echo	35/43
7. Toyota Corolla	32/40
8. Toyota Scion xA	32/38
9. Toyota Scion xB	31/35
10. Dodge Neon, Pontiac Vibe, Toyota Celica GT, Toyota Matrix	29/36

SOURCE: *Edmunds.com*  
\* Based on EPA numbers



Democrats want federal funding to create an ethanol-to-hydrogen fueling station in Chicago, which would be used to power about 10 city-owned vehicles.

Current technology allows the traditional combustion engine to run on hydrogen, but automakers want to develop a fuel cell that could make hydrogen fuel easier to employ. Such cells convert hydrogen and oxygen to water, in the process generating electricity to power the vehicle.

Hillebrand says government incentives might put hydrogen vehicles on the road sooner, perhaps as early as 2010.

The cost of a hydrogen infrastructure will have to be calculated on a state-by-state basis, he says. California, Florida, Michigan and Texas already are paying to bring hydrogen systems to their states, and Illinois

has the potential to be hydrogen-friendly in the future.

"Illinois has coal supplies and biomass," Hillebrand says. "It would be natural for Illinois to be one of the centers of hydrogen competence."

But, as with hybrid cars and flex-fuel vehicles, convincing consumers to move away from gasoline and diesel may carry a cost. "How much is necessary to reach the tipping point to get people comfortable with depending on hydrogen fuel?" Hillebrand asks.

Researchers continue to search for the best environmental options while lawmakers consider ways to convince consumers to re-evaluate their car-buying habits. In the meantime, car sales suggest it will take more than high pump prices to drive gas guzzlers to extinction. □

grass, trees or garbage, so the potential of harnessing hydrogen power appeals to lawmakers looking to reduce reliance on foreign oil.

"The energy security issue becomes something we decide rather than what's available overseas," Argonne engineer Duoba says.

Hydrogen also appeals to environmentalists. But scientists continue to search for ways to store the fuel at the gas station and in the car. "The work we have done so far requires large hydrogen tanks to hold only a few energy gallons' worth of hydrogen. This needs to be worked on to make the hydrogen vehicles commercial," says Don Hillebrand, section leader for vehicle systems at Argonne. Here in Illinois, U.S. Sen. Barack Obama and U.S. Rep. Rahm Emanuel are trying to draw attention to hydrogen fuel. The Chicago



# NEW DEAL TO NO DEAL

*The movement toward less government  
is shifting social responsibilities to the states*

by Dan A. Lewis

Sometimes revolutions sneak up on us. Sometimes they explode in our face.

The New Deal was in our face. The Great Depression created an economic crisis that President Franklin Delano Roosevelt met head on with a decade of legislation, which, in turn, transformed the role the federal government plays in the lives of Americans. Conservatives fought the changes — and have been trying to eradicate them ever since.

Over the past 10 years, we have seen one of those sneaky revolutions. This time, however, the crisis that created that revolution was generated by government, not the economy. In fact, Congress and two presidents have put a good deal of effort into changing the ways in which the federal government affects American citizens.

While starting new government programs defined the New Deal, at the turn of the new millennium getting rid of government programs was seen as the solution to improving Americans' lives. Policymakers eliminated federal programs originally intended to improve the lives of poor Americans because they now saw those programs as causing the problems an earlier generation thought they would solve.

A few examples: In 1992, Congress approved HOPE IV legislation leading to the demolition of public housing in Chicago. In 1996, it approved the Personal Responsibility and Work Opportunity Act, better known as welfare reform. And the following year, it approved the Adoption and Safe

Families Act to implement foster care reforms. These are examples of recent legislative measures that have radically transformed — some would say eviscerated — welfare, public housing and foster care.

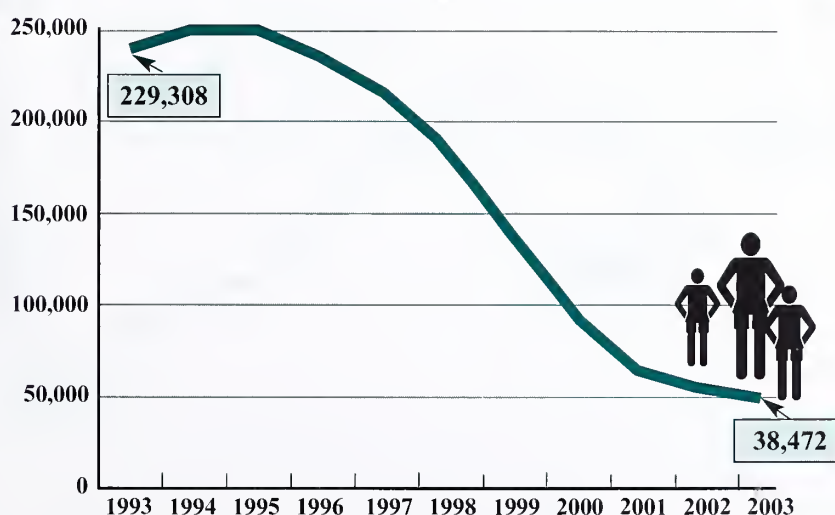
Such laws extract a steep price from our society. They greatly reduce, and sometimes eliminate, the federal support that states and local units of government depend on to assist poor families. As these new laws eradicate federal

programs that serve the poor and disadvantaged, responsibility for these citizens is shifted to the states.

These new laws all define federal programs as the cause of social problems. Yet an earlier generation of lawmakers thought of these programs as solutions to social problems.

In this new paradigm, to ignore the poor is to help them. The effects throughout this state are staggering. Hundreds of thousands of people who

**Temporary Assistance for Needy Families  
Family caseload in Illinois**



SOURCE: U.S. Department of Health and Human Services  
<http://www.acf.hhs.gov/news/stats/caseload.htm>

***In the background of this quiet revolution, the economy is pushing the layers of society farther apart, leaving the poorest of the poor in relatively worse shape than they were a decade ago.***

once got help are now on their own. Welfare rolls are down, and hardly anyone, relatively speaking, is still receiving Temporary Assistance for Needy Families. Foster care rolls have been halved over the past decade. Public housing projects are empty. Tougher standards in schools do little to stem the tide of dropouts — and might even have triggered the departure of many students who don't measure up.

In Illinois alone, this means more than 32,000 kids are no longer in foster care,

150,000 people are off welfare and 20,000 have been turned out of the projects in the past decade. Where did they go? How are they doing? No one knows — not the politicians, not the academics, not the media and certainly not the public.

Indeed, under this newest revolution, the federal government has blocked efforts to find out what has happened to those who have left these programs.

In the background of this quiet revolution, the economy is pushing the layers of society farther apart, leaving the poorest of the poor in relatively worse shape than they were a decade ago. And as society becomes more unequal, that group at the bottom drops off the official radar screen. They may still get some support through Medicaid or food stamps, but no one knows how they are faring. Instead of waiting for research to see whether cutting government support has made individuals more responsible, the federal government has absolved itself of responsibility for them.

We wanted a world in which the government was out of our business, and now we have that world.

But what have we wrought?

The Chicago metropolitan area, for instance, has little affordable housing, so where are the poor living? Half of the children who finish eighth grade in Chicago do not complete high school. How are these dropouts doing? Today, test scores are the measure of school success. Who cares about those who do not take the tests? Where have they and the others gone? Somewhere is all that we can guess.

That vague somewhere used to be code for the state institutions where we hid the poor: mental hospitals, poor houses, juvenile homes and, of course, prisons. These places, originally built in the 19th century, were supposed to help disadvantaged citizens — or at least control them. Now, the only option we haven't given up on is imprisonment.

We used to think community life produced problems and institutions would fix them. Then we thought institutions caused problems and communities would fix them. Tear down those housing projects and the problems associated with them would disappear. Get rid of welfare and the poor would be better off.

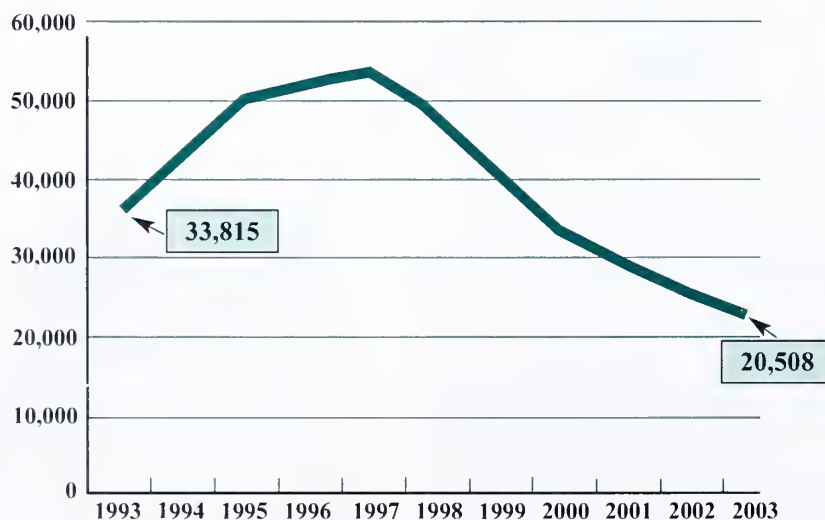
And, as long as the poor are out of sight, there are no signs to prove we've failed them. Only when they are visible, are we pressured to act.

But the results of these shortsighted federal policies are about to be visited on the people of Illinois and their elected representatives. Neighborhoods with dropouts and mothers who can't find jobs are neighborhoods that will demand change. Suburbs with poor people who cannot find housing are suburbs that will demand change.

Get ready. The quiet revolution is coming soon to a neighborhood near us. □

*Dan A. Lewis is a faculty fellow at the Institute for Policy Research and a professor of human development and social policy at Northwestern University. He also directs the Illinois Families Study, a university consortium studying the effects of welfare reform in the state.*

**Illinois foster care caseloads**



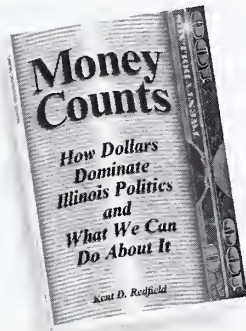
SOURCE: Illinois Department of Children and Family Services  
<http://www.state.il.us/dcf/foster/index.shtml>



# CAMPAIGN FINANCE REFORM?

Kent Redfield wrote the book

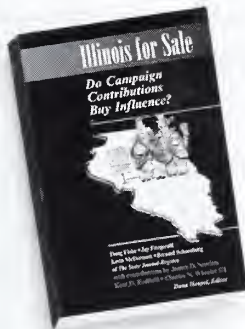
This leading scholar on campaign finance issues at the University of Illinois at Springfield laid the groundwork for understanding the relationship of politics and money.



## *Money Counts:*

*How Dollars Dominate Illinois Politics and What We Can Do About It*

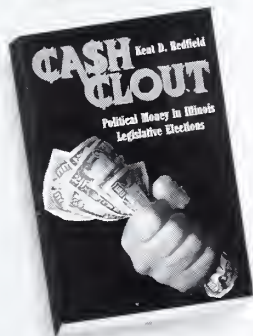
(2001) details the connections between campaign contributions and government actions and offers a series of practical reforms to clean up the system



## *Illinois for Sale:*

*Do Campaign Contributions Buy Influence?*

(1997) examines basic questions about campaign finance in Illinois: Who gives how much, to whom and why?



## *Cash Clout:*

*Political Money in Illinois Legislative Elections*

(1995) provides a comprehensive study of campaign finance in Illinois and how it has radically transformed the process of electing public officials

PURCHASE ALL THREE BOOKS FOR ONLY \$15.00

(INCLUDES SHIPPING & HANDLING)

To ORDER, CALL **217/206-6084**

or E-MAIL [lambert@uis.edu](mailto:lambert@uis.edu)

## SHIFTS AT THE TOP

**Z. Scott**, the former federal prosecutor Gov. Rod Blagojevich appointed as his first inspector general, says she will resign in July. Blagojevich selected Scott in April 2003 to head a new office created to investigate allegations of state government corruption. Scott plans to join a law firm.

**Leticia Reyes**, the niece of a lobbyist and political group leader, is promoting Gov. Rod Blagojevich's I-Save RX program.

The governor created the \$60,000 job that Reyes took on earlier this spring. She had worked on the John Kerry presidential campaign as a deputy field director.

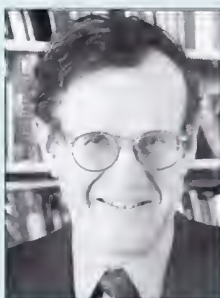
Her uncle, **Victor Reyes**, is a professional lobbyist with Greenberg Traurig LLP, an international law firm, as well as chairman of the Hispanic Democratic Organization. As director of intergovernmental affairs, he was the chief lobbyist for Chicago Mayor Richard Daley.

**Anne Craig** is the new director of the Illinois State Library, replacing **Jean Wilkins** who retired in December. Craig, a Springfield resident, had been an associate director. Secretary of State Jesse White, who also serves as state librarian, named Craig to the position. Previously, she worked at Northern Illinois University's Founders Memorial Library.

**Robert Rosner** is the new director of Argonne National Laboratory.

Rosner, the laboratory's former chief scientist and associate director for physical, biological and computing science, was appointed by the University of Chicago to take on the role. The university is under contract with the U.S. Department of Energy to operate the laboratory. U.S. Secretary of Energy Samuel W. Bodman approved Rosner's appointment.

He succeeds the retiring **Hermann Grunder**.



*Robert Rosner*

## Feds indict ex officer of health facility panel

A Republican powerbroker used his post on an influential state panel in a failed attempt to draw a Naperville hospital into a web of insider deals that netted \$9.5 million in kickbacks, federal prosecutors allege in a 28-count indictment made public last month. **Stuart Levine**, a top campaign contributor to former GOP gubernatorial candidate Jim Ryan, was arrested on charges that include extortion, money laundering, mail fraud and wire fraud. As former vice chairman of the Illinois Health Facilities Planning Board, Levine allegedly told executives at Edward Hospital in Naperville that the panel wouldn't approve a \$113 million hospital project in Plainfield unless the hospital hired **Jacob Kiferbaum**, a Chicago-area construction executive.

"Hospital planning board members play an important role in providing access to health care while containing costs," U.S. Attorney Patrick Fitzgerald said in prepared remarks. "The indictment charges that Levine instead sold out his duties and gave out state approvals and hospital contracts on the basis of 'who you know' and worse, 'who you pay.'"

Also indicted was **P. Nicholas Hurtgen**, former senior managing director in the Chicago office of Bear Stearns & Co. an investment bank that did business with Edward Hospital. Kiferbaum is now cooperating with authorities.

The Edward Hospital extortion became public last summer. State legislators then dumped the entire Health Facilities Planning Board, including Levine.

## Feds indict ex legislative staff chief

A federal grand jury indicted **Michael Tristano**, chief of staff for former House Republican Leader Lee Daniels, and charged him with nine counts of fraud, theft and extortion conspiracy. The indictment alleges that Tristano had legislative staff use state-paid time to work on campaigns and that he spent state funds to reimburse employees' campaign travel expenses.

Tristano, a Glenview resident, was the executive director of the House Republican Campaign Committee. The indictment also alleges that he conspired to funnel a \$1.3 million state grant to Willow Springs. Grant dollars went to a private real estate partnership that subsidized an unnamed downstate Republican candidate for the General Assembly, according to the indictment. Among the partners was Roger Stanley, who is now in prison for a corruption-related conviction.

## SUPREME COURT

### Thomas is the next chief justice

The Illinois Supreme Court elected **Robert Thomas**, a Republican justice from DuPage County, as chief justice for a three-year term that takes effect September 6. Thomas, a former placekicker for the Chicago Bears, was elected to his 10-year term on the court in 2000. He replaces **Mary Ann McMorrow** as chief justice. Elected in 2002, she was the first woman to head the state high court.

Thomas generated a bit of controversy as a Supreme Court candidate during his three-way Republic primary campaign when he released fliers stating that he had the support of anti-abortion groups' leaders. His conservative 2nd judicial district covers 13 counties across northern Illinois, including those that surround Chicago.

Thomas worked toward his law degree from Loyola University in Chicago while playing in the National Football League. He got his bachelor's degree from the University of Notre Dame, for which he kicked the field goal that won the 1973 national championship.

After practicing civil law, Thomas was elected circuit court judge in DuPage County in 1988 and as a judge on the Appellate Court Second District in 1994.



*Supreme Court Justice Robert Thomas*

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>



## Ex-Rockford mayor to head state EPA

**Douglas Scott** is the new director of the Illinois Environmental Protection Agency, replacing **Renee Cipriano**, who is expected to return to the private sector at the end of the month.

Scott, a Democrat who lost his mayoral re-election bid in April, also was a state representative from 1995 until 2001. Previously, Scott was city attorney for Rockford. He was responsible in that post for the city's recycling program.

The Rockford native is president of the Illinois Chapter of the National Brownfields Association. Cipriano became EPA director in 2001 and was reappointed by Gov. Rod Blagojevich in 2003.

The two will work together until the end of June, according to the governor's office.

Blagojevich praised Cipriano in a prepared release, adding, "I am confident that Doug will carry on in that same tradition as an energetic and innovative advocate for public health and the environment."

## BITS

### Margaret Smith

The former Democratic state senator from Chicago and advocate for women and children died May 16. She was 82.

Smith, a senator from 1983 until her 2002 retirement, was known as the "Lady of the Senate," according to Senate President Emil Jones. She also served a House term. Legislation Smith guided included a measure requiring insurance coverage for mammograms.

### Richard W. Larison Jr.

The chief of staff for then-House Republican Leader Lee Daniels died April 29. He was 54.

Larison of Rochester was also on the executive staff of former Gov. George Ryan, who introduced Larison when he was inducted into the Samuel K. Gove Illinois Legislative Internship Hall of Fame in 2001. The Hall, sponsored by *Illinois Issues*, honors former legislative interns who have had distinguished public service careers.

## Big people on campus

**Richard Herman** is now the permanent chancellor of the University of Illinois' Urbana-Champaign campus. He had been serving in that capacity on an interim basis following the departure last year of Chancellor **Nancy Cantor**, who became president of Syracuse University in New York. Herman joined the staff at UIUC in 1998 as provost and vice chancellor for academic affairs. Prior to that he served as dean of the College of Computer, Mathematical and Physical Sciences at the University of Maryland, College Park, and as chair of Pennsylvania State University's mathematics department.

### Public Radio Stations

WBEZ FM  
Chicago

WCBU FM  
Peoria

WDCB FM  
Glen Ellyn

WGLT FM  
Normal

WILL AM & FM  
Urbana, Champaign

WIUM/WIUW FM  
Maconb, Warsaw

WNIJ FM  
DeKalb, Rockford  
Sterling, LaSalle, Freeport

WNIU FM  
Rockford, DeKalb

WSIE FM  
Edwardsville

WUIS/WPIA FM  
Springfield, Pittsfield

### Public TV Stations

WEIU  
Charleston

WILL  
Urbana, Champaign

WSEC/WQEC/WMEC  
Springfield, Jacksonville,  
Quincy, Macomb

WQPT  
Moline

WSIU  
Carbondale

WTVP  
Peoria

WUSI  
Olney

WYCC  
Chicago



Harness the power of public  
broadcasting across Illinois!

*Chicago to Carbondale  
Champaign to Quincy*

**T**ap into public radio and television stations around the state and make your marketing dollars work for you with a single phone call to PBCi.

(217) 333-9394 for Les Schulte or

(309) 438-2257 for Kathryn Carter

website: [www.PBCiOnline.org](http://www.PBCiOnline.org)

## LETTERS

### High-schooler wants biodiversity restored

When teenagers think of the Illinois landscape, they think of farmland full of corn and beans and urban areas like Chicago, Springfield and East St. Louis. But early settlers saw Illinois as it originally was — full of biodiversity. Now Illinois is ranked 49th in terms of preserved original landscape. A mere 0.07 percent of the natural diversity remains — all in miniatures.

After reading "Reclaiming prairie bayous" by Dan Ferber in the July/August 2001 issue and learning about biodiversity in environmental science class, I realized what was missing in the Illinois landscape — biodiversity.

Wetlands are the areas hardest hit by loss of land. As expansion in central Illinois increased and continues to increase today, wetlands have been drained because of fear of disease, farming and urban expansion. These wetlands used to provide habitat for birds, salamanders, frogs, snakes and fish.

Of the 94 species of vertebrates that are



threatened and endangered in Illinois, 60 rely on wetlands. With these wetlands gone, animals and biodiversity disappear. Wetlands also ease flooding. Studies have calculated that restoring 400,000 acres of wetland in flood-prone areas could slash silting of backwater lakes and cut nitrate and phosphorus pollution to levels not seen in 150 years. That would restore just 10 percent of wetlands. What could 30 percent do?

Besides ecological benefits, wetlands are beautiful. I hope that by the time I am 40 there will be more biodiversity restored to Illinois.

**Megan Lootens**  
Heyworth High School  
Class of 2007

**Write us** Your comments are welcome. We reserve the right to excerpt them.  
Mail to: Letters to the Editor, *Illinois Issues*,  
University of Illinois at Springfield,  
Springfield, IL 62794-9243.



## Reach Illinois' Policy Makers

Advertise in *Illinois Issues*, the state's leading public affairs magazine. We get your message to the audience you need to reach—the policy makers and decision makers in our state.

Call or write for advertising information.

**Illinois Issues**

(217) 206-6084

<http://illinoisissues.uis.edu>

# NEWS YOU CAN USE!

Illinois has more than 600 newspapers & each week thousands of news stories run on every topic imaginable.

But news today is more than just newspapers. That's why the Illinois Press Clipping Bureau account is tailored to your precise requests while still providing the most affordable way for you to know what appears in all Illinois newspapers and on TV newscasts in several major markets - all for just \$65 a month & 65¢ a clip!

#### WHAT WE SEARCH

- International, National, State & Regional Press.
- TV News Tapes/Transcripts
- Online Services
- Financial Data & Stories
- Historic Documents
- Events of Note
- Annual Reports
- Economic Trends

#### WHAT WE DELIVER

- Breaking News
- Legislation & Regulations
- Industry News & Trends
- Competitive News
- News Businesses, Products & Services
- Candidates & Campaigns
- Publicity Efforts
- Mention of Names & Groups

#### WHAT WE OFFER

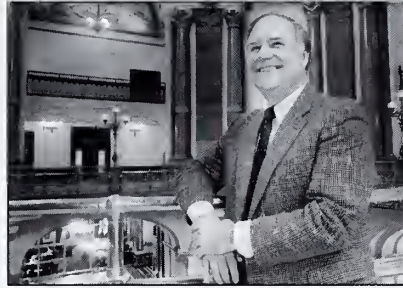
- Traditional Newspaper Stories & Photos
- TV News Mentions
- TV Tapes & Transcripts
- Emailed Clips
- Online Access
- Archive retrieval
- Daily, Weekly or Monthly Delivery

Contact Shari Mulvany at (217) 241-1300 • [smulvany@il-press.com](mailto:smulvany@il-press.com)  
ELECTRONIC MAIL DELIVERY IS AVAILABLE!





Charles N. Wheeler III



## Democrats declared a holiday and left Springfield for the summer

by Charles N. Wheeler III

**A**s Democratic leaders prepared to ram a \$54-plus billion budget through the Illinois legislature on May 31 — thus avoiding another overtime session — Gov. Rod Blagojevich was ebullient. “I feel real good about the session,” he told reporters following cameo appearances in the Senate and the House. “My only regret is that it has to end now.”

The governor’s professed disappointment could hardly have been shared by Senate President Emil Jones or House Speaker Michael Madigan, whose zeal to beat the clock is likely to cost future Illinois taxpayers tens of billions of dollars, the unavoidable result of Democrats’ decision to increase current state spending with dollars that should have gone to shore up the state’s pension systems.

Certainly, one can understand the governor’s exuberance. The two Democratic leaders produced a spending plan that includes more money for local schools, expanded health care access for the working poor and cash to help stave off CTA fare hikes and service cuts. They also sent him legislation stiffening high school graduation requirements, capping medical malpractice awards and banning sales of violent and sexually explicit video games to youngsters, all good bill-signing photo-ops.

And they did it without raising income or sales taxes, perhaps the only 2004 campaign pledge on which the governor has not yet wavered. All in all, a wealth of campaign fodder for a guy whose approval

---

*No doubt the pension  
“holiday,” as Democrats  
euphemistically termed it,  
is politically expedient.*

ratings appeared headed south just a few weeks earlier.

Indeed, Blagojevich’s sorry showing in springtime polling may have been a key factor in Madigan’s willingness to boost spending for education and health care with dollars earmarked for the state’s retirement systems, a practice the speaker and the governor had decried in the past.

Blowing the May 31 deadline would have meant three-fifths majorities would be needed to pass a budget, giving the Republican minority a meaningful role. More important, legislative overtime would have reinforced last year’s image of a feckless governor and a Democratic Party not up to the task of managing state affairs. That could be a possible recipe for disaster in next year’s elections, given the governor’s sagging poll numbers, especially downstate.

So the about-face on pension funding — roundly and rightly condemned by Republicans — was the only option left, Democrats said, given the governor’s

opposition to income or sales tax hikes and Republicans’ unwillingness to support gaming expansion.

No doubt the pension “holiday,” as Democrats euphemistically termed it, is politically expedient. But shirking the statutory obligation to fund the retirement systems is wretched public policy, essentially taking future dollars away from education and health care to underwrite more spending today.

Blagojevich initially proposed slashing pension funding next year by about \$820 million, roughly one-third of the \$2.6 billion required under a 1995 law intended to put the retirement systems on sound footing by 2045. Administration officials said the cut represented “proportionate” savings from a package of pension reforms they estimated would reduce costs by \$55 billion over 40 years. But the actual savings next year would have been only about \$81 million, according to actuaries for the systems.

The legislation Democrats finally approved cut more deeply and “reformed” less dramatically. Under its terms, the state contribution for the fiscal year starting July 1 is \$938 million, roughly \$1.2 billion less than the 1995 law required. The measure, which Blagojevich signed June 1, also pegged the FY 2007 contribution at \$1.4 billion, a cut of \$1.1 billion from what would have been required otherwise.

At the same time, the proposal included only a handful of the reforms Blagojevich originally wanted, although Democrats

contended the watered-down package still would save roughly \$30 billion by 2045.

Republicans disputed that estimate, contending that the enacted reforms would provide only about a quarter of the long-term savings of the governor's original package. Moreover, GOP lawmakers noted, by diverting even more money from the pension systems than Blagojevich proposed, Democrats were digging even deeper the current \$35 billion hole — the difference between the systems' assets and the value of the benefits the state Constitution guarantees those covered, including schoolteachers outside Chicago, state workers, university employees, judges and legislators.

A precise reckoning awaits calculations the five systems' actuaries are making, but one doesn't have to be a financial genius to realize that — thanks to compound interest — a dollar not invested today will have cost the pension funds a whole lot more in lost earnings over a 40-year period. Try explaining that in a 30-second TV spot, though, and it's easy to see why Democratic leaders chose to solve their short-term budget problem by short-

***But shirking the statutory obligation to fund the retirement systems is wretched public policy, essentially taking future dollars from education and health care to underwrite more spending today.***

changing pensions.

But the spending plan embodies other elements more congenial to campaign rhetoric. For example, the administration is counting on siphoning into the state's general checking account some \$160 million from hundreds of special funds earmarked for other uses, including several that a trial judge already has declared off-limits. Were Democrats who approved the "fund sweeps" in contempt of court?

Perhaps more trenchant in downstate legislative contests, the Democrats' plan — enacted without GOP votes — continues to use roughly \$150 million in road funds to pay for state police and secretary of state operations that otherwise would have been covered by general funds, some \$54 million of which will go instead to the CTA. Moreover, the budget earmarks another \$17 million in road funds to help pay the costs of the tailpipe testing programs in the Chicago and Metro East areas. Did downstate Democrats — consciously or unwittingly — send off to the city dollars needed to patch local highways?

Such assertions might gain political traction now, but next year Democrats will have another \$1 billion diverted from the pension systems to spend for election-year goodies to placate restive constituents. Meanwhile, many of those who'll be on the hook for the Democrats' profligate ways won't be old enough yet to vote. □

*Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.*

## When you want the real scoop, you know where to find it.

For unsurpassed coverage of state politics, listen for Bill Wheelhouse and Sean Crawford's reports from the Statehouse, weekdays on WUIS 91.9 and WIPA 89.3.



State Week can also be heard on other Illinois public radio stations through the IPR network. Contact your local public radio station for times.



**Illinois Coalition for Community Services**

**"Helping Communities Help Themselves"**

Providing capacity building through grassroots community organizing, with a focus on creating community-based prevention efforts for Illinois' youth.

**I.C.C.S.**

Joe Dunn, Executive Director  
510 Apple Orchard Road  
Suite 100  
Springfield, IL 62703  
800-728-1523  
[www.time-to.org](http://www.time-to.org)





# *Illinois Issues*

*The state's leading public affairs magazine*

I would like to help *Illinois Issues* celebrate another 30 years.

☐ \$3,000 Visionary

☐ \$1,000 Leader

☐ \$300 Patron

☐ \$100 Friend

☐ \$\_\_\_\_\_

**Yes!** ☐ *Paul Simon Policy Fund* (Gift # 334291)

☐ My check is enclosed, payable to UIF/*Illinois Issues*.

☐ I wish to pay \$\_\_\_\_\_ by credit card: ☐ VISA ☐ Discover ☐ MasterCard ☐ AmEx

Card number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signature \_\_\_\_\_

Your gift is tax-deductible as allowed by law.

**PLEASE RETURN THIS CARD WITH YOUR GIFT. *Thank you!***

MAIL TO: *Illinois Issues*, P.O. Box 19243, Springfield, IL 62794-9980

Please print clearly below, and complete all blanks:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

☐ This is a joint gift with: \_\_\_\_\_

☐ My company will match my gift.

Company Name: \_\_\_\_\_

#### CORPORATE MATCHING GIFT PROGRAM

Please visit your personnel or benefits office for matching gift forms and additional information. Your company may have a matching gift program that could double or even triple the amount of your contribution. Your own generous contribution can have an even greater impact on strengthening the excellence of *Illinois Issues*.

contended the watered-down package still would save roughly \$30 billion by 2045.

Republicans disputed that estimate, contending that the enacted reforms would provide only about a quarter of the long-term savings of the governor's original package. Moreover, GOP lawmakers noted, by diverting even more money from the pension systems than Blagojevich proposed, Democrats were digging even deeper the current \$35 billion hole — the difference between the systems' assets and the value of the benefits the state Constitution guarantees those covered, including schoolteachers outside Chicago, state workers, university employees, judges and legislators.

A precise reckoning awaits calculations the five systems' actuaries are making, but one doesn't have to be a financial genius to

***But shirking the statutory obligation to fund the retirement systems is wretched public policy, essentially taking future dollars from education and health care to underwrite more spending today.***

changing pensions.

But the spending plan embodies other elements more congenial to campaign rhetoric. For example, the administration

Perhaps more trenchant in downstate legislative contests, the Democrats' plan — enacted without GOP votes — continues to use roughly \$150 million in road funds to pay for state police and secretary of state operations that otherwise would have been covered by general funds, some \$54 million of which will go instead to the CTA. Moreover, the budget earmarks another \$17 million in road funds to help pay the costs of the tailpipe testing programs in the Chicago and Metro East areas. Did downstate Democrats — consciously or unwittingly — send off to the city dollars needed to patch local highways?

Such assertions might gain political traction now, but next year Democrats will have another \$1 billion diverted from the pension systems to spend for election-year



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

## **BUSINESS REPLY MAIL**

FIRST CLASS MAIL PERMIT NO. 1901 SPRINGFIELD, IL

POSTAGE WILL BE PAID BY ADDRESSEE



## ***Illinois Issues***

**UNIVERSITY OF ILLINOIS AT SPRINGFIELD**

PO Box 19243

Springfield IL 62794-9980



State Week can also be heard on other Illinois public radio stations through the IPR network. Contact your local public radio station for times.

I.C.C.S  
Joe Dunn, Executive Director  
510 Apple Orchard Road  
Suite 100  
Springfield, IL 62703  
800-728-1523  
[www.time-to.org](http://www.time-to.org)





When you need to know anything about agricultural issues, turn to Illinois Farm Bureau.

[www.ilfb.org](http://www.ilfb.org)

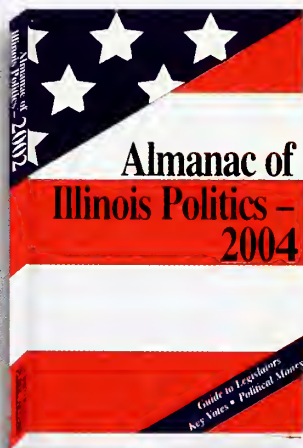
**IFB ILLINOIS FARM BUREAU®**

*The state's largest farm organization serving farmers since 1916.*

Let IFB be your expert resource to the world of agriculture.

INPR4008GS0405

# Almanac of Illinois Politics—2004



**\$19<sup>95</sup>**  
plus  
postage and handling

(\$3.00 first book,  
\$.50 for each additional book)

Reduced  
Price of  
\$19.95

*The #1 guide to Illinois government*

Since its first edition in 1990, the biennial *Almanac of Illinois Politics* has been the resource for information on the key players in Illinois government.

- U.S. Senators, Congressmen, State Senators and State Representatives
- Phone numbers, fax numbers, e-mail addresses and their web sites
- Voting records on the top issues of 2003
- Top PAC contributors, legislators and their opponents

**To order call 217-206-6084**





**Leading  
Lawyers**  
Network

THE TOP LAWYERS

**Congratulations to these LAWYERS,**  
recommended by their peers in a statewide survey,  
to be among the **TOP LAWYERS** in Illinois.



Stephen E. Balogh	Williams & McCarthy	Rockford	(815) 987-8900	Gov/Muni/Lobby
Charles F. Helsten	Hinshaw & Culbertson LLP	Rockford	(815) 490-4906	Gov/Muni/Lobby
Thomas J. Lester	Hinshaw & Culbertson LLP	Rockford	(815) 490-4900	Gov/Muni/Lobby; Pub Finance; School
Stanley B. Eisenhammer	Hodges Loizzi Eisenhammer Rodick & Kohn	Arlington Heights	(847) 670-9000	School
Therese L. Hodges	Hodges Loizzi Eisenhammer Rodick & Kohn	Arlington Heights	(847) 670-9000	School
Richard G. Flood	Zukowski Rogers Flood & McArdle	Crystal Lake	(815) 459-2050	Gov/Muni/Lobby
Steven E. Glink	Law Office of Steven Glink	Northbrook	(847) 480-7749	School
Allyn J. Franke	Hinshaw & Culbertson LLP	Waukegan	(847) 249-0300	School
Thomas A. Morris, Jr.	Hinshaw & Culbertson LLP	Waukegan	(847) 249-0300	School
Karl R. Ottosen	Ottosen Trevarthen Britz Kelly & Cooper	Wheaton	(630) 682-0085	Gov/Muni/Lobby
Robert W. Trevarthen	Ottosen Trevarthen Britz Kelly & Cooper	Wheaton	(630) 682-0085	Gov/Muni/Lobby; School
Scott E. Nemanich	Hinshaw & Culbertson LLP	Joliet	(815) 726-5910	School
Anthony Ficarelli	Hinshaw & Culbertson LLP	Liste	(630) 505-0010	School
Steven M. Kowal	Bell Boyd & Lloyd LLC	Chicago	(312) 807-4430	Fed Reg
Douglas J. Antonio	Duane Morris LLP	Chicago	(312) 499-6772	Pub Finance
Michael J. Silverman	Duane Morris LLP	Chicago	(312) 499-6707	Telecomm
David M. Stahl	Eimer Stahl Kleworn & Solberg LLP	Chicago	(312) 660-7602	Pub Utilities
E. Glenn Rippie	Foley & Lardner LLP	Chicago	(312) 558-4214	Fed Reg; Gov/Muni/Lobby; Pub Utilities
James C. Franczek, Jr.	Franczek Sullivan PC	Chicago	(312) 786-6110	School
Roger H. Bickel	Freeborn & Peters LLP	Chicago	(312) 360-6377	Gov/Muni/Lobby
Steven B. Kite	Gardner Carton & Douglas LLP	Chicago	(312) 569-1264	Pub Finance
Anita J. Ponder	Gardner Carton & Douglas LLP	Chicago	(312) 569-1153	Gov/Muni/Lobby
Jesse H. Ruiz	Gardner Carton & Douglas LLP	Chicago	(312) 569-1135	Gov/Muni/Lobby
Richard M. Stock	Gardner Carton & Douglas LLP	Chicago	(312) 569-1398	Fed Reg; Gov/Muni/Lobby
Matthew J. Piers	Gessler Hughes Socot Piers Resnick & Dym	Chicago	(312) 604-2606	Gov/Muni/Lobby
David A. Bonoma	Greenberg Traurig LLP	Chicago	(312) 456-8441	Gov/Muni/Lobby
Daniel L. Kraus	Greenberg Traurig LLP	Chicago	(312) 476-5004	Pub Finance
Mark J. McCombs	Greenberg Traurig LLP	Chicago	(312) 476-5026	Gov/Muni/Lobby; Pub Finance
Victor H. Reyes	Greenberg Traurig LLP	Chicago	(312) 456-8440	Gov/Muni/Lobby
Leo J. Athas	Hinshaw & Culbertson LLP	Chicago	(312) 704-3000	School
Steven M. Puiszis	Hinshaw & Culbertson LLP	Chicago	(312) 704-3243	Gov/Muni/Lobby
Robert T. Shannon	Hinshaw & Culbertson LLP	Chicago	(312) 704-3901	Gov/Muni/Lobby
Steven M. Elrod	Holland & Knight LLP	Chicago	(312) 578-6565	Gov/Muni/Lobby
Nina J. Fain	Holland & Knight LLP	Chicago	(312) 715-5835	Gov/Muni/Lobby; Pub Finance; School
Keith D. Parr	Lord Bissell & Brook LLP	Chicago	(312) 443-0497	Fed Reg
Theodore R. Tetzlaff	McGuireWoods LLP	Chicago	(312) 849-8200	Pub Utilities
Stephen Scott Morrill	Morrill and Associates PC	Chicago	(312) 606-8770	Gov/Muni/Lobby
Oran F. Whiting	Much Shelist Freed Denenberg Ament & Rubenstein	Chicago	(312) 521-2638	Gov/Muni/Lobby
Thomas G. Lyons	O'Keefe Lyons & Hynes LLC	Chicago	(312) 621-0400	Gov/Muni/Lobby
Bruce Ackley Bonjour	Perkins Coie LLP	Chicago	(312) 324-8650	Pub Finance
Robert L. Capizzi	Perkins Coie LLP	Chicago	(312) 324-8662	Pub Finance
James R. Carroll	Quinlan & Carroll Ltd	Chicago	(312) 917-8466	Gov/Muni/Lobby
William R. Quinlan	Quinlan & Carroll Ltd	Chicago	(312) 917-8450	Gov/Muni/Lobby
Anthony G. Scariano	Scariano Himes and Petrarca	Chicago	(312) 565-3100	School
Andrew H. Connor	Schwartz Cooper Greenberger & Krauss Chtd	Chicago	(312) 845-5118	Pub Utilities
Mary K. Klimesb	Seyfarth Shaw LLP	Chicago	(312) 346-8000	School
Alvin L. Kruse	Seyfarth Shaw LLP	Chicago	(312) 346-8000	Pub Finance
Richard S. Lauter	Seyfarth Shaw LLP	Chicago	(312) 781-8629	Fed Reg
Paul H. Vishny	Seyfarth Shaw LLP	Chicago	(312) 346-8000	Telecomm
Jack Guthman	Shefsky & Froelich Ltd	Chicago	(312) 836-4034	Gov/Muni/Lobby
Sarah J. Read	Sidley Austin Brown & Wood LLP	Chicago	(312) 853-2171	Pub Utilities
Jeremy D. Margolis	Sonnenschein Nath & Rosenthal LLP	Chicago	(312) 876-3108	Gov/Muni/Lobby
Michael A. Ficaró	Ungaretti & Harris LLP	Chicago	(312) 977-9200	Gaming & Casino Law
James S. Montana, Jr.	Vedder Price Kaufman & Kammholz PC	Chicago	(312) 609-7820	Gaming/Casino; Gov/Muni/Lobby
Deborah H. Bornstein	Williams Montgomery & John Ltd	Chicago	(312) 443-3289	Pub Utilities
Gov. James R. Thompson	Winston & Strawn LLP	Chicago	(312) 558-7400	Gov/Muni/Lobby
Timothy W. Kirk	Heyl Royster Voelker & Allen PC	Peoria	(309) 676-0400	Pub Utilities
Frederick G. Hoffman	Howard & Howard Attorneys PC	Peoria	(309) 672-1483	Pub Finance
William C. Wetzel	Livingston Barger Brandt & Schroeder	Bloomington	(309) 828-5281	Pub Utilities
Denise M. Drubot	Brown Hay & Stephens LLP	Springfield	(217) 544-8491	School
John E. Stevens	Freeborn & Peters LLP	Springfield	(217) 535-1060	Gov/Muni/Lobby
William R. Enlow	Sorling Northrup Hanna Cullen & Cochran Ltd	Springfield	(217) 544-1144	Gov/Muni/Lobby
James M. Morpheus	Sorling Northrup Hanna Cullen & Cochran Ltd	Springfield	(217) 544-1144	Gov/Muni/Lobby
D. Bradley Blodgett	Hinshaw & Culbertson LLP	Springfield	(217) 528-7375	Gov/Muni/Lobby
Edward R. Gower	Hinshaw & Culbertson LLP	Springfield	(217) 528-7375	Gov/Muni/Lobby
J. William Roberts	Hinshaw & Culbertson LLP	Springfield	(217) 528-7375	Gov/Muni/Lobby
Charles R. Schmadeke	Hinshaw & Culbertson LLP	Springfield	(217) 528-7375	Gov/Muni/Lobby
Herman G. Bodewes	Giffin Winning Cohen & Bodewes PC	Springfield	(217) 525-1571	Gov/Muni/Lobby
Zack Stamp	Zack Stamp Ltd	Springfield	(217) 525-0700	Gov/Muni/Lobby
Deanna Seward Mool	Mool Law Firm, LLC	Springfield	(217) 523-6665	Gov/Muni/Lobby
Thomas E. Kennedy, III	Law Office of Thomas E. Kennedy III	Alton	(618) 474-5326	School
John L. Gilbert	Hinshaw & Culbertson LLP	Belleville	(618) 277-2400	Gov/Muni/Lobby; School
John S. Rendleman, III	Feirich/Mager/Green/Ryan	Carbondale	(618) 529-3000	Gov/Muni/Lobby

**Key:**

Fed Reg = Federal Regulatory Law; Gaming/Casino = Gaming & Casino Law; Gov/Muni/Lobby = Governmental, Municipal, Lobbying & Administrative Law;  
Pub Finance = Public Finance Law; School = School Law; Telecomm = Telecommunications Law

This is a partial list. Go to **LeadingLawyers.com** to view profiles of these and hundreds of other Leading Lawyers or call

**Find a better lawyer, faster.**

**(312) 644-7000**

A Division of Law Bulletin Publishing Company - est. 1854